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- FOR:** Any person who uses the Federal Register and Code of Federal Regulations.
- WHO:** Sponsored by the Office of the Federal Register.
- WHAT:** Free public briefings (approximately 3 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
 2. The relationship between the Federal Register and Code of Federal Regulations.
 3. The important elements of typical Federal Register documents.
 4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WHEN: Tuesday, June 13, 2006
9:00 a.m.–Noon

WHERE: Office of the Federal Register
Conference Room, Suite 700
800 North Capitol Street, NW.
Washington, DC 20002

RESERVATIONS: (202) 741-6008



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Rules and Regulations

Federal Register

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Monday, June 5, 2006

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

FEDERAL RESERVE SYSTEM

12 CFR Part 229

[Regulation CC; Docket No. R-1256]

Availability of Funds and Collection of Checks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule; technical amendment.

SUMMARY: The Board of Governors is amending appendix A of Regulation CC to delete the reference to the East Rutherford office of the Federal Reserve Bank of New York and reassign the Federal Reserve routing symbols currently listed under that office to the head office of the Federal Reserve Bank of Philadelphia. These amendments will ensure that the information in appendix A accurately describes the actual structure of check processing operations within the Federal Reserve System.

DATES: The final rule will become effective on August 19, 2006.

FOR FURTHER INFORMATION CONTACT: Jack K. Walton II, Associate Director (202/452-2660), or Joseph P. Baressi, Senior Financial Services Analyst (202/452-3959), Division of Reserve Bank Operations and Payment Systems; or Adrienne G. Threatt, Counsel (202/452-3554), Legal Division. For users of Telecommunications Devices for the Deaf (TDD) only, contact 202/263-4869.

SUPPLEMENTARY INFORMATION: Regulation CC establishes the maximum period a depository bank may wait between receiving a deposit and making the deposited funds available for withdrawal.¹ A depository bank generally must provide faster availability for funds deposited by a

local check than by a nonlocal check. A check drawn on a bank is considered local if it is payable by or at a bank located in the same Federal Reserve check processing region as the depository bank. A check drawn on a nonbank is considered local if it is payable through a bank located in the same Federal Reserve check processing region as the depository bank. Checks that do not meet the requirements for local checks are considered nonlocal.

Appendix A to Regulation CC contains a routing number guide that assists banks in identifying local and nonlocal banks and thereby determining the maximum permissible hold periods for most deposited checks. The appendix includes a list of each Federal Reserve check processing office and the first four digits of the routing number, known as the Federal Reserve routing symbol, of each bank that is served by that office for check processing purposes. Banks whose Federal Reserve routing symbols are grouped under the same office are in the same check processing region and thus are local to one another.

As explained in detail in the Board's final rule published in the **Federal Register** on December 19, 2005, the Federal Reserve Banks decided that the East Rutherford office of the Federal Reserve Bank of New York no longer will process checks and that checks currently processed by that office will instead be processed at the head office of the Federal Reserve Bank of Philadelphia.² The Reserve Banks subsequently have announced that the East Rutherford office will cease processing checks on August 19, 2006.³ As a result of this change, some checks that are drawn on and deposited at banks located in the affected check processing regions and that currently are nonlocal checks will become local checks subject to faster availability schedules. Also, after August 19, 2006, the restructured Philadelphia check processing region will cross Federal Reserve District lines. Banks located in

that region therefore no longer will be able to determine that a check is nonlocal solely because the paying bank for that check is located in another Federal Reserve District.

To assist banks in identifying local and nonlocal checks, the Board accordingly is amending the lists of routing symbols associated with the Federal Reserve Banks of New York and Philadelphia to conform to the transfer of operations from the New York Reserve Bank's East Rutherford office to the Philadelphia Reserve Bank's head office. To coincide with the effective date of the underlying check processing changes, the amendments are effective August 19, 2006. The Board is providing advance notice of these amendments to give affected banks ample time to make any needed processing changes. The advance notice also will enable affected banks to amend their availability schedules and related disclosures, if necessary, and provide their customers with notice of these changes.⁴ The Federal Reserve routing symbols assigned to all other Federal Reserve branches and offices will remain the same at this time.

Administrative Procedure Act

The Board has not followed the provisions of 5 U.S.C. 553(b) relating to notice and public participation in connection with the adoption of this final rule. The revisions to the appendix are technical in nature, and the routing symbol revisions are required by the statutory and regulatory definitions of "check-processing region." Because there is no substantive change on which to seek public input, the Board has determined that the § 553(b) notice and comment procedures are unnecessary.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506; 5 CFR 1320 Appendix A.1), the Board has reviewed the final rule under authority delegated to the Board by the Office of Management and Budget. These technical amendments to appendix A of Regulation CC will delete the reference to the East Rutherford office of the Federal Reserve Bank of New York and reassign the Federal

² See 70 FR 74998, December 19, 2005.

³ In addition to the general advance notice of future amendments provided by the Board, and the Board's notices of final amendments, the Reserve Banks are striving to inform affected depository institutions of the exact date of each office transition at least 120 days in advance. The Reserve Banks' communications to affected depository institutions are available at <http://www.frb-services.org>.

¹ For purposes of Regulation CC, the term "bank" refers to any depository institution, including commercial banks, savings institutions, and credit unions.

⁴ Section 229.18(e) of Regulation CC requires that banks notify account holders who are consumers within 30 days after implementing a change that improves the availability of funds.

Reserve routing symbols currently listed under that office to the head office of the Federal Reserve Bank of Philadelphia. The depository institutions that are located in the affected check processing regions and that include the routing numbers in their disclosure statements would be required to notify customers of the resulting change in availability under § 229.18(e). However, because all paperwork collection procedures associated with Regulation CC already are in place, the Board anticipates that no additional burden will be imposed as a result of this rulemaking.

12 CFR Chapter II

List of Subjects in 12 CFR Part 229

Banks, Banking, Reporting and recordkeeping requirements.

Authority and Issuance

■ For the reasons set forth in the preamble, the Board is amending 12 CFR part 229 to read as follows:

PART 229—AVAILABILITY OF FUNDS AND COLLECTION OF CHECKS (REGULATION CC)

■ 1. The authority citation for part 229 continues to read as follows:

Authority: 12 U.S.C. 4001–4010, 12 U.S.C. 5001–5018.

■ 2. The Second and Third Federal Reserve District routing symbol lists in appendix A are revised to read as follows:

Appendix A to Part 229—Routing Number Guide to Next-Day Availability Checks and Local Checks

* * * * *

Second Federal Reserve District

[Federal Reserve Bank of New York]

Utica Office

0213	2213
0220	2220
0223	2223

Third Federal Reserve District

[Federal Reserve Bank of Philadelphia]

Head Office

0210	2210
0212	2212
0214	2214
0215	2215
0216	2216
0219	2219
0260	2260
0280	2280
0310	2310
0311	2311
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* * * * *

By order of the Board of Governors of the Federal Reserve System, acting through the Secretary of the Board under delegated authority, May 30, 2006.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. E6–8642 Filed 6–2–06; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–24081; Directorate Identifier 2006–CE–15–AD; Amendment 39–14623; AD 2006–11–18]

RIN 2120–AA64

Airworthiness Directives; Pacific Aerospace Corporation Ltd. Model 750XL Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Pacific Aerospace Corporation Ltd. Model 750XL airplanes. This AD requires you to inspect the condition of the insulation of the wiring adjacent to the electrical plugs mounted in the left-hand (LH) and right-hand (RH) sides of the forward end of the cockpit center console for signs of abrasion and arcing. If you find any evidence of abrasion or arcing, this AD requires you to replace the affected wire(s) and secure the wires away from the back shells of the electrical plugs. This AD results from mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for New Zealand. We are issuing this AD to detect and correct damaged wires on the LH and RH sides of the forward end of the cockpit center console, which could result in short-circuiting of the related wiring. This could lead to electrical failure of affected systems and potential fire in the cockpit.

DATES: This AD becomes effective on July 14, 2006.

As of July 14, 2006, the Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulation.

ADDRESSES: For service information identified in this AD, contact Pacific Aerospace Corporation Ltd., Hamilton Airport, Private Bag HN 3027, Hamilton, New Zealand; telephone: 011 (64) 7–843–6144; fax: 011 (64) 7–843–6134.

To view the AD docket, go to the Docket Management Facility; U.S.

Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–001 or on the Internet at <http://dms.dot.gov>. The docket number is FAA–2006–24081; Directorate Identifier 2006–CE–15–AD.

FOR FURTHER INFORMATION CONTACT: Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4146; facsimile: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Discussion

On March 20, 2006, we issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain Pacific Aerospace Corporation Ltd. (Pacific Aerospace) Model 750XL airplanes. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on March 27, 2006 (71 FR 15061). The NPRM proposed to require you to inspect the condition of the insulation of the wiring adjacent to the electrical plugs mounted in the left-hand (LH) and right-hand (RH) sides of the forward end of the cockpit center console for signs of abrasion and arcing. If you find any evidence of abrasion or arcing, the NPRM proposed to require you to replace the affected wire(s) and secure the wires away from the back shells of the electrical plugs.

Comments

We provided the public the opportunity to participate in developing this AD. We received no comments on the proposal or on the determination of the cost to the public.

Conclusion

We have carefully reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed except for minor editorial corrections. We have determined that these minor corrections:

- Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

Costs of Compliance

We estimate that this AD affects 5 airplanes in the U.S. registry.

We estimate the following costs to do the inspection:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
4 workhours × \$80 per hour = \$320	Not applicable	\$320	\$320 × 5 = \$1,600.

We estimate the following costs to do any necessary replacements that will be

required based on the results of the inspection. We have no way of

determining the number of airplanes that may need this replacement:

Labor cost	Parts cost	Total cost per airplane
28 workhours × \$80 per hour = \$2,240	\$200	\$2,440

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

We are issuing this rulemaking under the authority described in subtitle VII, part A, subpart III, section 44701, "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this AD.

Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a summary of the costs to comply with this AD (and other information as included in the Regulatory Evaluation) and placed it in the AD Docket. You may get a copy of this summary by sending a request to us at the address listed under **ADDRESSES**. Include "Docket No. FAA-2006-24081; Directorate Identifier 2006-CE-15-AD" in your request.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. FAA amends § 39.13 by adding the following new AD:

2006-11-18 Pacific Aerospace Corporation Ltd.: Amendment 39-14623; Docket No. FAA-2006-24081; Directorate Identifier 2006-CE-15-AD.

Effective Date

(a) This AD becomes effective on July 14, 2006.

Affected ADs

(b) None.

Applicability

(c) This AD affects Model 750XL airplanes, serial numbers 110 through 120, that are certificated in any category.

Unsafe Condition

(d) This AD results from mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for New Zealand. We are issuing this AD to detect and correct damaged wires on the left-hand (LH) and right-hand (RH) sides of the forward end of the cockpit center console, which could result in short-circuiting of the related wiring. This condition could lead to electrical failure of affected systems and potential fire in the cockpit.

Compliance

(e) To address this problem, you must do the following, unless already done:

Action	Compliance	Procedures
(1) Inspect the condition of the insulation of the wiring adjacent to the electrical plugs mounted in the LH and RH sides of the forward end of the cockpit center console for signs of abrasion and arcing.	Within the next 50 hours time-in-service after July 14, 2006 (the effective date of this AD).	Follow Pacific Aerospace Corporation Mandatory Service Bulletin No. PACSB/XL/016, Issue 1, Date Issued: September 23, 2005.
(2) If you find any evidence of abrasion or arcing during the inspection required in paragraph (e)(1) of this AD, replace the affected wire(s) and secure the wire(s) away from the back shells of the electrical plugs.	Before further flight after the inspection required in paragraph (e)(1) of this AD.	Follow Pacific Aerospace Corporation Mandatory Service Bulletin No. PACSB/XL/016, Issue 1, Date Issued: September 23, 2005.
(3) If you do not find any evidence of abrasion or arcing during the inspection required in paragraph (e)(1) of this AD, secure the wires away from the back shells of the electrical plugs.	Before further flight after the inspection required in paragraph (e)(1) of this AD.	Follow Pacific Aerospace Corporation Mandatory Service Bulletin No. PACSB/XL/016, Issue 1, Dated Issued: September 23, 2005.

Alternative Methods of Compliance (AMOCs)

(f) The Manager, Standards Office, Small Airplane Directorate, Federal Aviation Administration (FAA), ATTN: Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4146; fax: (816) 329-4090, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

Related Information

(g) New Zealand AD No. DCA/750XL/6, Effective Date: December 1, 2005, also addresses the subject of this AD.

Material Incorporated by Reference

(h) You must do the actions required by this AD following the instructions in Pacific Aerospace Corporation Mandatory Service Bulletin No. PACSB/XL/016, Issue 1, Date Issued: September 23, 2005. The Director of the Federal Register approved the incorporation by reference of this service bulletin in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. To get a copy of this service information, contact Pacific Aerospace Corporation Ltd., Hamilton Airport, Private Bag HN 3027, Hamilton, New Zealand; telephone: 011 (64) 7-843-6144; facsimile: 011 (64) 7-843-6134. To review copies of this service information, go to the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html or call (202) 741-6030. To view the AD docket, go to the Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-001 or on the Internet at <http://dms.dot.gov>. The docket number is FAA-2006-24081; Directorate Identifier 2006-CE-15-AD.

Issued in Kansas City, Missouri, on May 24, 2006.

David R. Showers,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 06-5047 Filed 6-2-06; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2006-24095; Directorate Identifier 2006-CE-21-AD; Amendment 39-14624; AD 2006-11-19]

RIN 2120-AA64

Airworthiness Directives; DORNIER LUFTFAHRT GmbH Models 228-100, 228-101, 228-200, 228-201, 228-202, and 228-212 Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all DORNIER LUFTFAHRT GmbH Models 228-100, 228-101, 228-200, 228-201, 228-202, and 228-212 airplanes. This AD requires you to repetitively inspect the wiring in the flight deck overhead panels (locations 5VE and 6VE) for chafing and damage and repair any chafed or damaged wires. Regardless of the results of each inspection, this AD requires you to assure correct installation of the wiring in the flight deck overhead panels by reattaching or replacing the wire tie attachment holders and securing any loose wires to the wire tie attachment holders with plastic wire ties. This AD results from mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Germany. We are issuing this AD to detect, correct, and prevent chafed or damaged wires in the flight deck overhead panels, which could result in short-circuiting of related wiring. This condition could lead to electrical failure of affected systems and potential fire in the flight deck.

DATES: This AD becomes effective on July 14, 2006.

As of July 14, 2006, the Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulation.

ADDRESSES: For service information identified in this AD, contact RUAG Services GmbH, P.O. Box 1253, D-82231 Wessling, Germany; telephone: (08153) 302506; fax: (08153) 304601.

To view the AD docket, go to the Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-001 or on the Internet at <http://dms.dot.gov>.

dms.dot.gov. The docket number is FAA-2006-24095; Directorate Identifier 2006-CE-21-AD.

FOR FURTHER INFORMATION CONTACT: Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4146; fax: (816) 329-4090.

SUPPLEMENTARY INFORMATION:

Discussion

On March 22, 2006, we issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to DORNIER LUFTFAHRT GmbH (DORNIER) Models 228-100, 228-101, 228-200, 228-201, 228-202, and 228-212 airplanes. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on March 29, 2006 (71 FR 15647). The NPRM proposed to require you to repetitively inspect the wiring in the flight deck overhead panels (locations 5VE and 6VE) for chafing and damage and repair any chafed or damaged wires. Regardless of the results of each inspection, the NPRM would require you to assure correct installation of the wiring in the flight deck overhead panels by reattaching or replacing the wire tie attachment holders and securing any loose wires to the wire tie attachment holders with plastic wire ties.

Comments

We provided the public the opportunity to participate in developing this AD. We received no comments on the proposal or on the determination of the cost to the public.

Conclusion

We have carefully reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed except for minor editorial corrections. We have determined that these minor corrections:

- Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

Costs of Compliance

We estimate that this AD affects 14 airplanes in the U.S. registry.

We estimate the following costs to do the inspection:

Labor costs	Parts costs	Total cost per airplane	Total cost on U.S. operators
2 workhours × \$80 per hour = \$160	Not applicable	\$160	\$160 × 14 = \$2,240.

We estimate the following costs to do any necessary repairs that will be

required based on the results of the inspection. We have no way of

determining the number of airplanes that may need this repair:

Labor cost	Parts cost	Total cost per airplane
3 workhours × \$80 per hour = \$240	\$100	\$240 + \$100 = \$340.

Note: The cure time for the adhesive that is recommended in the service information is 48 hours at 25 degrees Celsius (77 degrees Fahrenheit) or 2 hours at 65 degrees Celsius (149 degrees Fahrenheit).

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

We are issuing this rulemaking under the authority described in subtitle VII, part A, subpart III, section 44701, "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this AD.

Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a summary of the costs to comply with this AD (and other information as included in the Regulatory Evaluation) and placed it in the AD Docket. You may get a copy of this summary by sending a request to us at the address listed under **ADDRESSES**. Include "Docket No. FAA-2006-24095; Directorate Identifier 2006-CE-21-AD" in your request.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. FAA amends § 39.13 by adding the following new AD:

2006-11-19 DORNIER LUFTFAHRT

GmbH: Amendment 39-14624; Docket No. FAA-2006-24095; Directorate Identifier 2006-CE-21-AD.

Effective Date

(a) This AD becomes effective on July 14, 2006.

Affected ADs

(b) None.

Applicability

(c) This AD affects Models 228-100, 228-101, 228-200, 228-201, 228-202, and 228-212 airplanes, all serial numbers, that are certificated in any category.

Unsafe Condition

(d) This AD results from mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Germany. We are issuing this AD to detect, correct, and prevent chafed or damaged wires in the flight deck overhead panels, which could result in short-circuiting of related wiring. This condition could lead to electrical failure of affected systems and potential fire in the flight deck.

Compliance

(e) To address this problem, you must do the following:

Actions	Compliance	Procedures
(1) Inspect the wiring in the flight deck overhead panels (locations 5VE and 6VE) for chafing and damage.	Within the next 100 hours time-in-service after July 14, 2006 (the effective date of this AD). Repetitively inspect thereafter at intervals not to exceed 12 months.	Follow RUAG AOT Dornier 228, All Operators Telefax service information No. AOT-228-24-028, Date of Issue: November 9, 2005.

Actions	Compliance	Procedures
<p>(2) If you find any chafed or damaged wires during any inspection required in paragraph (e)(1) of this AD, repair the affected wire(s) and assure correct installation of the wiring in the flight deck overhead panels by re-attaching or replacing the wire tie attachment holders and securing any loose wires to the wire tie attachment holders with plastic wire ties.</p> <p>(3) If you do not find any chafed or damaged wires during any inspection required in paragraph (e)(1) of this AD, assure correct installation of the wiring in the flight deck overhead panels by reattaching or replacing the wire tie attachment holders and securing any loose wires to the wire tie attachment holders with plastic wire ties.</p>	<p>Before further flight after each inspection required in paragraph (e)(1) of this AD. Continue with the repetitive inspections as specified in paragraph (e)(1) of this AD.</p> <p>Before further flight after each inspection required in paragraph (e)(1) of this AD. Continue with the repetitive inspections as specified in paragraph (e)(1) of this AD.</p>	<p>Follow RUAG AOT Dornier 228, All Operators Telefax service information No. AOT-228-24-028, Date of Issue: November 9, 2005.</p> <p>Follow RUAG AOT Dornier 228, All Operators Telefax service information No. AOT-228-24-028, Date of Issue: November 9, 2005.</p>

Alternative Methods of Compliance (AMOCs)

(f) The Manager, Standards Office, Small Airplane Directorate, FAA, ATTN: Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4146; fax: (816) 329-4090, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

Related Information

(g) German AD Number D-2005-438, Effective Date: December 14, 2005, also addresses the subject of this AD.

Material Incorporated by Reference

(h) You must do the actions required by this AD following the information in RUAG AOT Dornier 228, All Operators Telefax service information No. AOT-228-24-028, Date of Issue: November 9, 2005. The Director of the Federal Register approved the incorporation by reference of this service bulletin in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. To get a copy of this service information, contact RUAG Services GmbH, P.O. Box 1253, D-82231 Wessling, Germany; telephone: (08153) 302506; fax: (08153) 304601. To review copies of this service information, go to the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html or call (202) 741-6030. To view the AD docket, go to the Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-001 or on the Internet at <http://dms.dot.gov>. The docket number is FAA-2006-24095; Directorate Identifier 2006-CE-21-AD.

Issued in Kansas City, Missouri, on May 24, 2006.

David R. Showers,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 06-5045 Filed 6-2-06; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2005-22665; Airspace Docket No. 05-ANM-13]

Amendment to Class E Airspace; Jackson, WY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action will revise the Class E airspace area at Jackson, WY. Additional controlled airspace is necessary to accommodate aircraft using a new Localizer Performance with Vertical Guidance (LPV) approach procedure with Lateral/Vertical Navigation (LNAV/VNAV) minimums. This additional controlled airspace is necessary for the safety of Instrument Flight Rules (IFR) aircraft executing this new LPV approach procedure at Jackson Hole Airport, Jackson, WY. This final rule also corrects an error in the airport's latitude and longitude coordinates and reference to exclusions to surrounding controlled airspace in the airspace description section.

DATES: Effective Date: 0901 UTC, August 3, 2006.

FOR FURTHER INFORMATION CONTACT: Ed Haeseker, Federal Aviation Administration, Western En Route and Oceanic Area Office, Airspace Branch, 1601 Lind Avenue, SW., Renton, WA, 98055-4056; telephone (425) 227-2527.

SUPPLEMENTARY INFORMATION:

History

On December 28, 2005, the FAA published in the **Federal Register** a notice of proposed rulemaking to revise Class E airspace at Jackson, WY (70 FR 76729). The proposed action would

provide additional controlled airspace for the safety of IFR aircraft using a new LPV approach procedure with LNAV/VNAV minimums at Jackson Hole Airport, Jackson, WY. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9N, dated September 1, 2005, and effective September 15, 2005, which is incorporated by reference in 14 CFR part 71.1. The Class E airspace designations listed in this document will be published subsequently in that Order.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 by revising Class E airspace at Jackson, WY. Additional controlled airspace is necessary to accommodate aircraft executing a new LPV approach procedure with LNAV/VNAV minimums. This additional controlled airspace is necessary for the safety of IFR aircraft executing this new LPV approach procedure at Jackson Hole Airport, Jackson, WY. This final rule also corrects an error in the Notice of Proposed Rulemaking (NPRM) for Jackson Hole Airport's latitude and longitude coordinates and reference to exclusions to surrounding controlled airspace in the airspace description section.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44

FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E. O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR part 71.1 of the Federal Aviation Administration Order 7400.9N, Airspace Designations and Reporting Points, dated September 1, 2005, and effective September 15, 2005, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ANM WY E5 Jackson, WY [Revised]

Jackson Hole Airport, WY
(Lat. 43°36'26" N., long. 110°44'16" W.)
Jackson VOR/DME
(Lat. 43°37'16" N., long. 110°43'54" W.)

That airspace extending upward from 700 feet above the surface within a 4.3-mile radius of Jackson Hole Airport, and within 4.4 miles west and 8.3 miles east of the Jackson VOR/DME 200° radial extending from the VOR/DME to 24.5 miles south of the VOR/DME, and within 4.4 miles each side of the 20° radial from the Jackson VOR/DME extending to 17.8 miles; that airspace extending upward from 1,200 feet above the surface within 15.2 miles west and 18.7 miles east of the Jackson VOR/DME 20° radial extending from the VOR/DME to 44.6 miles north of the VOR/DME, and that airspace west of the Jackson VOR/DME bounded on the northwest by the southeast edge of V–520 extending to 15.2 miles in an arc counterclockwise to the northwest edge of V–465, and that airspace to the south of the Jackson VOR/DME bounded on the northwest by the southeast edge of V–465, on the east

by the southwest edge of V–328, on the south by the north edge of V–4 and on the west by long. 112°00'00" W., and that airspace east of the Jackson VOR/DME between the 52° radial and 156° radial extending to 33.1 miles.

* * * * *

Issued in Seattle, Washington, on May 23, 2006.

R.D. Engelke,

Acting Area Director, Western En Route and Oceanic Operations.

[FR Doc. 06–5107 Filed 6–2–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2006–24869; Airspace Docket No. 06–ACE–4]

Modification of Class E Airspace; Wellington Municipal Airport, KS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action amends Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) by revising the Class E airspace area at Wellington Municipal Airport, KS. The establishment of a non-directional beacon (NDB) runway (RWY) 35 standard instrument approach procedure (SIAP) necessitates the revision of the Class E airspace area. This airspace area and the legal description are revised to conform to the criteria in FAA Orders.

DATES: This direct final rule is effective on 0901 UTC, September 23, 2006. Comments for inclusion in the Rules Docket must be received on or before July 21, 2006.

ADDRESSES: Send comments on this proposal to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001. You must identify the docket number FAA–2006–24869/ Airspace Docket No. 06–ACE–4, at the beginning of your comments. You may also submit comments on the Internet at <http://dms.dot.gov>. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527) is on the plaza level of the Department of Transportation NASSIF Building at the above address.

FOR FURTHER INFORMATION CONTACT:

Brenda Mumper, Air Traffic Division, Airspace Branch, ACE–520A, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329–2524.

SUPPLEMENTARY INFORMATION: This amendment to 14 CFR part 71 revises the Class E airspace area extending upward from 700 feet AGL at Wellington Municipal Airport, KS. The establishment of a NDB RWY 35 SIAP necessitates the revision of the Class E airspace area. This airspace area and the legal description are revised to conform to the criteria in FAA Orders. The radius of the Class E airspace area is expanded from within a 6.3-mile radius to within a 6.8-mile radius of the airport and the airspace is expanded to within 2.5 miles each side of the 176° bearing from Wellington NDB extending from the 6.8-mile radius to 7.0 miles south of the airport. These modifications bring the legal description of the Wellington Municipal Airport, KS class E airspace area into compliance with FAA Orders 7400.2F and 8260.19C. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in Paragraph 6005 of FAA Order 7400.9N, Airspace Designations and Reporting Points, dated September 1, 2005, and effective September 16, 2005, which is incorporated by reference in 14 CFR 71.1.

The Class E airspace designation listed in this document would be published subsequently in the Order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and, therefore, is issuing it as a direct final rule. Previous actions of this nature have not been controversial and have not resulted in adverse comments or objections. Unless a written adverse or negative comment or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and

a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Interested parties are invited to participated in this rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. FAA-2006-24869/Airspace Docket No. 06-ACE-4." The postcard will be date/time stamped and returned to the commenter.

Agency Findings

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

The FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

This rulemaking is promulgated under the authority described in subtitle VII, part A, subpart I, section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority since it contains aircraft executing

instrument approach procedures to Wellington Municipal Airport, KS.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

■ Accordingly, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9N, dated September 1, 2005, and effective September 16, 2005, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

ACE KS E5 Wellington, KS

Wellington Municipal Airport, KS
(Lat. 37°19'25" N., long. 97°23'18" W.)

Wellington NDB
(Lat. 37°19'26" N., long. 97°23'22" W.)

Wichita VORTAC
(Lat. 37°44'43" N., long. 97°35'02" W.)

That airspace extending upward from 700 feet above the surface within a 6.8-mile radius of Wellington Municipal Airport and within 2.5 miles each side of the 007° bearing from Wellington NDB extending from the 6.8-mile radius to 7.0 miles north of the airport and within 4.4 miles each side of the 159° radial of the Wichita VORTAC extending from the 6.8-mile radius to 10.5 miles northwest of the airport and within 2.5 miles each side of the 176° bearing from Wellington NDB extending from the 6.8 mile radius to 7.0 miles south of the airport.

* * * * *

Issued in Kansas City, MO, on May 22, 2006.

Donna R. McCord,

Acting Area Director, Western Flight Services Operations.

[FR Doc. 06–5106 Filed 6–2–06; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Parts 736 and 744

[Docket No. 060531141–6141–01]

RIN: 0694–AD76

General Order Concerning Mayrow General Trading and Related Entities

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: The Bureau of Industry and Security is amending the Export Administration Regulations (EAR) by issuing a general order to impose a license requirement for exports and reexports of all items subject to the Export Administration Regulations (EAR) where the transaction involves Mayrow General Trading or entities related, as follows: Micatic General Trading; Majidco Micro Electronics; Atlinx Electronics; Micro Middle East Electronics; Narinco; F.N. Yaghmaei; and H. Ghasir. Mayrow General Trading and all entities related are located in Dubai, United Arab Emirates. This order also prohibits the use of License Exceptions for exports or reexports of any items subject to the EAR involving these entities. This final rule also adds a reference to the new general order in the part of the EAR that sets forth end-use and end-user license requirements.

DATES: *Effective Date:* This rule is effective June 5, 2006.

FOR FURTHER INFORMATION CONTACT: Michael D. Turner, Director, Office of Export Enforcement, Bureau of Industry and Security, Department of Commerce, P.O. Box 273, Washington, DC 20044; Phone: (202) 482–2252; E-mail: rp22@bis.doc.gov; Fax: (202) 482–0964.

SUPPLEMENTARY INFORMATION:

Background

The United States Government, including the United States Department of Commerce, Bureau of Industry and Security (BIS), has come into the possession of information giving reason to believe, based on specific and articulable facts, that Mayrow General Trading and its related entities have acquired electronic components and devices capable of being used to construct Improvised Explosive Devices (IEDs). These commodities have been, and may continue to be, employed in IEDs or other explosive devices used against Coalition Forces in Iraq and Afghanistan.

To curtail such use of these commodities in order to protect

Coalition Forces operating in Iraq and Afghanistan, the Department of Commerce is issuing General Order No. 3, set forth in Supplement No. 1 to part 736, imposing a license requirement for export and reexports of all items subject to the Export Administration Regulations (EAR) (15 CFR parts 736 and 744) to Mayrow General Trading and entities related to or controlled by 6it, as follows:

Mayrow General Trading, Flat 401—Bin Yas Center—Al Maktum Road, P.O. Box 42340, Dubai, UAE; Shops 3–4, Sharafia Ahmed Ali Building, al-Nakheel, Deira, Dubai, UAE; P.O. Box 42340, Deira, Dubayy, UAE and P.O. Box 171978, Deira, Dubayy, UAE;

Micatic General Trading, Flat 401—Bin Yas Center—Al Maktum Road, P.O. Box 42340, Dubai, UAE; and Shops 3–4, Sharafia Ahmed Ali Building, al-Nakheel, Deira, Dubai, UAE;

Majidco Micro Electronics, Flat 401—Bin Yas Center—Al Maktum Road, P.O. Box 42340, Dubai, UAE; and Shops 3–4, Sharafia Ahmed Ali Building, al-Nakheel, Deira, Dubai, UAE;

Atlinx Electronics, Flat 401—Bin Yas Center—Al Maktum Road, P.O. Box 42340, Dubai, UAE; and Shops 3–4, Sharafia Ahmed Ali Building, al-Nakheel, Deira, Dubai, UAE;

Micro Middle East Electronics, Flat 401—Bin Yas Center—Al Maktum Road, P.O. Box 42340, Dubai, UAE; and Shops 3–4, Sharafia Ahmed Ali Building, al-Nakheel, Deira, Dubai, UAE; Narinco, Flat 401—Bin Yas Center—Al Maktum Road, P.O. Box 42340, Dubai, UAE; and Shops 3–4, Sharafia Ahmed Ali Building, al-Nakheel, Deira, Dubai, UAE;

F.N. Yaghmaei, Flat 401—Bin Yas Center—Al Maktum Road, P.O. Box 42340, Dubai, UAE; and Shops 3–4, Sharafia Ahmed Ali Building, al-Nakheel, Deira, Dubai, UAE; and

H. Ghasir, Flat 401—Bin Yas Center—Al Maktum Road, P.O. Box 42340, Dubai, UAE; and Shops 3–4, Sharafia Ahmed Ali Building, al-Nakheel, Deira, Dubai, UAE.

Under this order, a BIS license is required for the export or reexport of any item subject to the EAR to any of the above-named entities, including any transaction in which any of the above-named entities will act as purchaser, intermediate consignee, ultimate consignee, or end-user of the items. This order also prohibits the use of License Exceptions (*see* part 740 of the EAR) for exports and reexports of items subject to the EAR involving such entities.

To assist readers in finding in the EAR these additional end-users subject to special restrictions with respect to exports and reexports, this rule also

adds a new Section 744.15 to part 744 of the EAR (Control Policy: End-User and End-Use Based) to provide a cross reference to the prohibitions contained in the general orders in Supplement No. 1 to part 736.

Consistent with section 6 of the Export Administration Act of 1979, as amended (50 U.S.C. app. 2401–2420) (the “Act”), a foreign policy report was submitted to Congress on May 30, 2006, notifying Congress of the imposition of a control in the form of a licensing requirement for exports and reexports of all items subject to the EAR destined to Mayrow General Trading and related entities.

Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), as extended most recently by the Notice of August 2, 2005, (70 FR 45273 (August 5, 2005)), has continued the EAR in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701–1706 (2000)) (“IEEPA”). The BIS continues to carry out the provisions of the Act, as appropriate and to the extent permitted by law, pursuant to Executive Order 13222.

Rulemaking Requirements

1. This rule has been determined to be not significant for purposes of Executive Order 12866.

2. Notwithstanding any other provision of law, no person is required to respond to nor be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This regulation involves collections previously approved by the OMB under control numbers 0694–0088, “Multi-Purpose Application,” which carries a burden hour estimate of 58 minutes to prepare and submit form BIS–748.

Miscellaneous and recordkeeping activities account for 12 minutes per submission. Total burden hours associated with the Paperwork Reduction Act and Office and Management and Budget control number 0694–0088 are expected to increase slightly as a result of this rule. Send comments regarding these burden estimates or any other aspect of this collection of information, including suggestions for reducing the burden, to David Rostker, OMB Desk Officer, by e-mail at david_rostker@omb.eop.gov or by fax to (202) 395–7285; and to the Regulatory Policy Division, Bureau of

Industry and Security, Department of Commerce, P.O. Box 273, Washington, DC 20044, e-mail: publiccomments@bis.doc.gov.

3. This rule does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

4. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military or foreign affairs function of the United States. (*See* 5 U.S.C. 553(a)(1)) Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 et. seq., are not applicable.

List of Subjects

15 CFR Part 736

Exports, foreign trade.

15 CFR Part 744

Exports, Foreign trade, Reporting and recordkeeping requirements.

■ Accordingly, parts 736 and 744 of the Export Administration Regulations (15 CFR parts 736–744) are amended as follows:

PART 736—[AMENDED]

■ 1. The authority citation for 15 CFR part 736 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 2151 (note), Pub. L. 108–175; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13020, 61 FR 54079, 3 CFR, 1996 Comp., p. 219; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13338, 69 FR 26751, 3 CFR, 2004 Comp., p. 168; Notice of November 4, 2004, 69 FR 64637, 3 CFR, 2004 Comp., p. 303; Notice of August 2, 2005, 70 FR 45273 (August 5, 2005).

■ 2. Add General Order No. 3 to Supplement No. 1 to part 736 to read as follows:

Supplement No. 1 to Part 736—General Orders

* * * * *

General Order No. 3 of June 5, 2006; Imposition of license requirement for exports and reexports of items subject to the EAR to Mayrow General Trading and entities related, as follows: Micatic

General Trading; Majidco Micro Electronics; Atlinx Electronics; Micro Middle East Electronics; Narinco; F.N. Yaghmaei; and H. Ghasir. Mayrow General Trading and all entities related are located in Dubai, United Arab Emirates.

(a) *License requirements.* Effective June 5, 2006, a license is required to export or reexport any item subject to the EAR to Mayrow General Trading or entities related, as follows: Micatic General Trading; Majidco Micro Electronics; Atlinx Electronics; Micro Middle East Electronics; Narinco; F.N. Yaghmaei; and H. Ghasir. Mayrow General Trading and all entities related are located in Dubai, United Arab Emirates. This license requirement applies with respect to any transaction in which any of the above-named entities will act as purchaser, intermediate consignee, ultimate consignee, or end-user of the items.

(b) *License Exceptions.* No License Exceptions are available for exports or reexports involving the entities described in paragraph (a) of this General Order.

PART 744—[AMENDED]

■ 3. The authority citation for 15 CFR part 744 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 3201 *et seq.*; 42 U.S.C. 2139a; Sec. 901–911, Pub. L. 106–387; Sec. 221, Pub. L. 107–56; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 12947, 60 FR 5079, 3 CFR, 1995 Comp., p. 356; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13099, 63 FR 45167, 3 CFR, 1998 Comp., p. 208; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; Notice of October 29, 2003, 68 FR 62209, 3 CFR, 2003 Comp., p. 347; Notice of August 6, 2004, 69 FR 48763 (August 10, 2004).

■ 4. Part 744 is amended by adding § 744.15.

PART 744—CONTROL POLICY: END-USER AND END-USE BASED

§ 744.15 Restrictions on exports and reexports involving persons named in General Orders.

Certain General Orders set forth in Supplement No. 1 to part 736 of the EAR require licenses for exports and reexports involving certain persons (individuals and other legal entities). The requirement to comply with General Orders is set forth in section 736.2(b)(9) of the EAR.

Dated: May 31, 2006.

Matthew Borman,

Deputy Assistant Secretary of Commerce for Export Administration.

[FR Doc. 06–5118 Filed 6–1–06; 11:23 am]

BILLING CODE 3510–33–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2006–0012; FRL–8178–6]

Approval and Promulgation of Air Quality Implementation Plans; Minnesota; Alternative Public Participation Process

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is approving a revision to the Minnesota State Implementation Plan (SIP) that will establish, pursuant to regulations on public hearings, an alternative public participation process for certain SIP revisions. EPA is approving the Minnesota SIP revision because we believe that the procedures set forth in Minnesota's request afford the public adequate opportunity to comment on these noncontroversial SIP revisions. In its SIP revision, Minnesota has identified a limited number of types of SIP revisions that have been found to be noncontroversial and in which the public has historically shown little or no interest. For this limited number of SIP revisions, the Minnesota Pollution Control Agency (MPCA) will offer the opportunity for a public hearing, but will not hold a hearing if one is not requested. The EPA agrees that the SIP types that have been identified by the MPCA have historically been noncontroversial and that offering the public the opportunity to request a public hearing rather than holding one automatically does not limit or curtail the public participation process. Also, EPA is acknowledging that a public hearing held at the time of the MPCA rulemaking, which meets the criteria for a SIP public hearing, precludes the need for a separate public hearing solely for SIP purposes.

EPA proposed to approve these revisions to the Minnesota SIP on February 1, 2006 and no adverse comments were received on this proposal. We are also taking this opportunity to correct a typographical error made in that proposed approval.

DATES: This final rule is effective on July 5, 2006.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2006–0012. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available, *i.e.*, Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Douglas Aburano, Environmental Engineer, at (312) 353–6960 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT:

Douglas Aburano, Environmental Engineer, Criteria Pollutant Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–6960, aburano.douglas@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA. This supplementary information section is arranged as follows:

- I. Does This Action Apply to Me?
- II. What Public Comments Were Received and What Is EPA's Response?
- III. What Action Is EPA Taking Today?
- IV. Additional Information
- V. Statutory and Executive Order Reviews

I. Does This Action Apply to Me?

This action applies to anyone who participates in the public rulemaking process in Minnesota by submitting comments in writing or at public hearings held by the MPCA.

II. What Public Comments Were Received and What is EPA's Response?

No adverse comments were received. A comment from the State of Maryland was supportive of this approval. The comment stated that, “the revised administrative procedures will utilize the technological advances available today to save tax dollars while not compromising the public's ability to access and comment on SIP revisions.” Since this comment was supportive of the action being taken there is no need to respond to it.

III. What Action Is EPA Taking Today?

EPA is approving alternative public hearing processes in the State of Minnesota. The MPCA submitted a SIP revision listing a limited number of various types of SIP revisions that are noncontroversial and that the public has shown little or no interest in. The request to approve these alternative public hearing processes was submitted by MPCA on December 7, 2005. The MPCA held a public hearing on these alternative public hearing processes on November 17, 2005. EPA proposed to approve these alternative public hearing processes on February 1, 2006 (see 71 FR 5205). No adverse comments were received during the EPA's public comment period on the proposed approval.

We are approving an alternative process for a limited number of noncontroversial SIP revisions that will not require automatic public hearings. For this limited number of noncontroversial SIP revisions Minnesota will instead offer the public the opportunity to request a public hearing. If any one person requests a public hearing, then the MPCA will hold a public hearing at the end of the comment period for that SIP submittal. The approval of this alternative process is consistent with requirements found in 40 CFR 51.102(g). A description of the types of SIP revisions that would use this alternative process was provided in the proposed rule (see 71 FR 5209).

Minnesota also requested that we approve, pursuant to 40 CFR 51.102(g), public hearings held during the state rulemaking process as an alternative to a SIP public hearing. Because we view these public hearings as meeting the criteria under 40 CFR 51.102 we do not need to approve these as alternatives. EPA acknowledges that a public hearing held at the time of an MPCA rulemaking which meets the criteria for a SIP rulemaking precludes the need for a public hearing solely for SIP purposes.

IV. Additional Information

In the proposed approval of MPCA's SIP revision, we also solicited comments on the state's use of the Internet, via the Minnesota State Register and MPCA's own Web site, to inform the public of upcoming SIP revisions and public hearings. The one comment made in support of the February 1, 2006 proposed approval seemed to specifically support the use of electronic public notification.

We are also correcting a typographical error. On page 5208 of the proposed approval a reference was made to rule

Minn. R. 7077.1400, it should have referred to rule Minn. R. 7007.1400.

V. Statutory and Executive Order Reviews

Executive Order 12866: Regulatory Planning and Review

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget.

Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

Because it is not a "significant regulatory action" under Executive Order 12866 or a "significant energy action," this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001).

Regulatory Flexibility Act

This action merely approves state law as meeting federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Unfunded Mandates Reform Act

Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4).

Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

Executive Order 13132: Federalism

This action also does not have Federalism implications because it does not have substantial direct effects on the states, on the relationship between the

national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act.

Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

This rule also is not subject to Executive Order 13045 "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not economically significant.

National Technology Transfer Advancement Act

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the state to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply.

Paperwork Reduction Act

This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**.

This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under Section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 4, 2006. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not

be challenged later in proceedings to enforce its requirements. (See Section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations.

Dated: May 24, 2006.

Cyndy Colantoni,

Acting Regional Administrator, Region 5.

■ 40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

■ 1. The authority citation for part 52 continues to read as follows:

Subpart Y—Minnesota

■ 2. In § 52.1220, the table in paragraph (e) is amended by adding an entry for "Alternative Public Participation Process" after the existing entries to read as follows:

§ 52.1220 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED MINNESOTA NONREGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/ effective date	EPA approved date	Comments
* * *	* * *	* * *	* * *	* * *
Alternative Public Participation Process	Statewide	12/07/05	07/05/06 [Insert page number where the document begins].	
* * *	* * *	* * *	* * *	* * *

* * * * *

[FR Doc. 06-5052 Filed 6-2-06; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 61

[EPA-R10-OAR-2006-0001; FRL-8177-2]

Partial Approval of the Clean Air Act, Section 112(l), Delegation of Authority to the Washington State Department of Health

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is granting partial approval to Washington State Department of Health's (WDOH) request for delegation of authority to implement and enforce the National Emission Standards for Hazardous Air Pollutants (NESHAP) for radionuclide air emission. This action is being taken under the Clean Air Act (CAA or the Act).

DATES: *Effective Date:* This final rule is effective on July 5, 2006.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA-R10-OAR-2006-0001. All documents in the electronic docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly

available, *i.e.*, Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy during normal business hours at the Office of Air, Waste and Toxics, U.S. Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Seattle, Washington 98101. EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket.

FOR FURTHER INFORMATION CONTACT: Davis Zhen, (206) 553-7660, or by e-mail at zhen.davis@epa.gov.

SUPPLEMENTARY INFORMATION:

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I. Background

On June 6, 2005, WDOH submitted a request for delegation of authority to implement and enforce 40 CFR part 61, subparts A, B, H, I, K, Q, R, T, and W (Radionuclide NESHAPs). WDOH's request showed that it had adopted without change or modification all of the provisions of the Radionuclide NESHAPs, as in effect on July 1, 2004. On February 22, 2006, EPA proposed a partial approval of WDOH's delegation request. The reason for EPA's decision to grant partial rather than full approval was that WDOH does not currently have express authority to recover criminal fines for knowingly making a false material statement, representation, or certificate in any form, notice or report, or knowingly rendering inadequate any required monitoring device or method, as required by 40 CFR 70.11(a)(3)(iii) and 40 CFR 63.91(d)(3)(i). Please refer to 71 FR 9059 (February 22, 2006) for a detailed description of our proposed partial approval and delegation.

II. Response to Comments

EPA provided a 30-day period for public comment on our February 22, 2006 proposal, which ended on March 24, 2006. No comments were received

during the public comment period. EPA did receive a comment letter, however, on March 27, 2006, after the close of the public comment period. Although EPA is not legally obligated to respond, a summary of the commenter's concerns and EPA's response to the comments follows. A copy of the comment letter is in the docket.

The commenter states that WDOH's radionuclide regulations are not consistent with and are more stringent than the Radionuclide NESHAPs. The commenter cites a 1983 EPA guidance document regarding delegation of NSPS and NESHAP standards which states that "state regulations dealing with NSPS and NESHAPS must be consistent with the Federal regulations as outlined in 40 CFR Part 60 and 61." Good Practices Manual for Delegation of NSPS and NESHAPs, February 1983. The commenter continues that, although a state regulation is allowed to be more stringent than the corresponding federal regulation, the state regulation should be consistent.

The commenter notes several ways in which it believes WDOH's radionuclide regulations are not consistent with the Radionuclide NESHAPs. First, the commenter states that the WDOH regulations have no *de minimis* exemption from the requirement to obtain a construction permit and that there is no scientific basis for permitting sources below EPA's standard of 0.1 mrem per year. EPA assumes this is a reference to the exemption in 40 CFR 61.96(b) for new construction and modifications with emissions less than 1% of the standard in 40 CFR 61.92 (referred to here as the "*de minimis* exemption" or "*de minimis* level"). The commenter is also concerned that WDOH has allegedly stated that it does not review or assess the economic impact of regulating sources below this *de minimis* level. Second, the commenter states that some of WDOH's exemptions are narrower than those provided in the Radionuclide NESHAPs. As an example, the commenter states that WDOH's exemption to the definition of "modification" for routine maintenance, repair and replacement applies only to abatement technology, whereas EPA's definition of modification has no such limitation. Third, the commenter states that WDOH requires notice of construction applications for accidental releases, whereas the Radionuclide NESHAPs do not. Fourth, the

commenter states that WDOH has expressed concern, and even reluctance, to permit some individual sources, even though their effective doses were below the *de minimis* level individually and actual facility-wide emissions are approximately 0.3% of the Radionuclide NESHAPs facility-wide standard of 10 mrem per year because the unabated (uncontrolled) emissions of the Department of Energy's Hanford facility (DOE Hanford) are approaching the facility-wide standard of 10 mrem per year. The commenter concludes that EPA should not delegate the Radionuclide NESHAPs to WDOH unless WDOH promulgates regulations consistent with the regulations and the intent of the Radionuclide NESHAPs or documents substantial evidence other than that compiled by the EPA to reinforce their regulations.

As the commenter notes and as discussed in the proposal, WDOH has, in addition, adopted other provisions as a matter of state law that regulated radionuclide emissions and that apply to sources subject to the Radionuclide NESHAPs. These requirements are additional to and more stringent than the Radionuclide NESHAPs, by, for example, eliminating exemptions that may be available under the Radionuclide NESHAPs. Section 116 of the CAA makes clear, however, that with some exceptions not relevant here, nothing in title I of the CAA precludes or denies the right of any State to adopt or enforce any standard or limitation respecting emissions of air pollutants or any requirement respecting control or abatement of air pollutant so long as it is not less stringent than a standard or limitation in effect under an applicable implementation plan or under section 111 or 112 of the CAA. EPA made clear in proposing to approve WDOH's delegation request that EPA's partial approval and delegation of the Radionuclide NESHAPs to WDOH does not extend to any additional state standards regulating radionuclide emissions. See 71 FR 9062 and 9063. These additional State standards are enforceable as a matter of State law, but are not enforceable under the CAA or in any way part of this delegation.

III. Final Action

EPA is granting partial approval to WDOH's request for partial approval and delegation of authority to implement and enforce the Radionuclide NESHAPs. Pursuant to the

authority of section 112(l) of the CAA, this partial approval is based on EPA's finding that State law, regulations and agency resources meet the requirements for partial program approval and delegation of authority specified in 40 CFR 63.91 and applicable EPA guidance. Except as provided in Section III.B., EPA is delegating to WDOH authority to implement and enforce 40 CFR part 61, subparts A, B, H, I, K, Q, R, T, and W, as in effect on July 1, 2004. NESHAPs that are promulgated or revised substantively after July 1, 2004 are not delegated to WDOH. These remain the responsibility of EPA. Included as part of the delegation is the authority to approve:

1. "Minor changes to monitoring," including the use of the specified monitoring requirements and procedures with minor changes in methodology as described in 40 CFR 61.14(g)(1)(i);
2. "Intermediate changes to monitoring;"
3. "Minor changes to recordkeeping/reporting;"
4. "Minor changes in test methods," including the use of a reference method with minor changes in methodology as described in 40 CFR 61.13(h)(1)(i);
5. Waiver of the requirement for emission testing because the owner or operator of a source has demonstrated by other means to WDOH's satisfaction that the source is in compliance with the standard as described in 40 CFR 61.13(h)(1)(iii).

For purposes of this paragraph, the terms in quotations have the meaning assigned to them in 40 CFR 63.90.

EPA is also updating the table published at 40 CFR 61.04(c)(10) showing the most recent delegation status of specific part 61 subparts that have been delegated to State and local air pollution control authorities in Region 10.

A. What Authorities Are Excluded From This Partial Approval and Delegation?

EPA is not delegating authorities under 40 CFR part 61 that specifically indicate they can not be delegated, that require rulemaking to implement, that affect the stringency of the standard, or where national oversight is the only way to ensure national consistency. Table 1 below identifies the specific authorities within 40 CFR part 61, subparts A, B, H, I, K, Q, R, T, and W that EPA is specifically excluding from this delegation.

TABLE 1.—PART 61 AUTHORITIES EXCLUDED FROM PARTIAL APPROVAL AND DELEGATION

Section	Authorities
61.04(b)	Waiver of recordkeeping.
61.12(d)(1)	Approval of alternative means of emission limitation.
61.13(h)(1)(ii)	Approval of alternatives to test methods (except as provided in 40 CFR 61.13(h)(1)(i)).
61.14(g)(1)(ii)	Approval of alternatives to monitoring that do not qualify as "Minor changes to monitoring," "Intermediate changes to monitoring," or "Minor changes to recordkeeping/reporting" For purposes of the previous sentence, the terms in quotes are defined in 40 CFR 63.90.
61.16	Availability of information.
61.23(b)	Subpart B—Radon Emissions from Underground Uranium Mines Alternative compliance demonstration to COMPLY-R (requires EPA Headquarters approval).
61.93(b)(2)(iii), (c)(2)(iii)	Subpart H—Emissions of Radionuclides Other than Radon from DOE Facilities (alternatives to test methods).
61.107(b)(2)(iii), (d)(2)(iii)	Subpart I—Radionuclide Emissions from Federal Facilities Other than NRC licensees and Not Covered in Subpart H (alternatives to test methods).
61.125(a)	Subpart K—Radionuclide Emissions from elemental Phosphorus Plants (alternatives to test methods).
61.206(c), (d), and (e)	Subpart R—Emission from Phosphogypsum Stacks (requires Approval from Assistant Administrator of EPA Office of Air and Radiation).

In addition, because WDOH does not currently have express authority to recover criminal fines for knowingly making a false material statement, representation, or certificate in any form, notice or report or knowingly rendering inadequate any required monitoring device or method, as required by 40 CFR 70.11(a)(3)(iii) and 40 CFR 63.91(d)(3)(i), EPA will continue to retain primary authority to implement and enforce these authorities. This is the basis for partial rather than full approval.

B. How Will This Partial Approval and Delegation Affect Regulated Community?

Generally speaking, the transfer of authority from EPA to WDOH in this delegation changes EPA's role from primary implementer and enforcer to overseer. As a result, sources in Washington subject to the delegated Radionuclide NESHAPs should direct questions and compliance issues to WDOH. For authorities that are NOT delegated (those noted in Section III.A. above), affected sources should continue to work with EPA as their primary contact and submit materials directly to EPA. In such cases, affected sources should copy WDOH on all submittals, questions, and requests. EPA will continue to have primary responsibility to implement and enforce Federal regulations that do not have current state or local agency delegations.

C. Where Will the Regulated Community Send Notifications and Reports?

Sources subject to the delegated NESHAPs will be required to send required notifications, reports and requests to WDOH for WDOH's action and to provide copies to EPA. For authorities that are excluded from this delegation, sources should continue to

send required notifications, reports, and requests to EPA and to provide copies to WDOH.

D. What Are WDOH's Reporting Obligations?

WDOH must maintain a record of all approved alternatives to all monitoring, testing, recordkeeping, and reporting requirements and provide this list of alternatives to EPA at least semi-annually, or at a more frequent basis if requested by EPA. EPA may audit the WDOH-approved alternatives and disapprove any that it determines are inappropriate, after discussion with WDOH. If changes are disapproved, WDOH must notify the source that it must revert to the original applicable monitoring, testing, recordkeeping, and/or reporting requirements (either those requirements of the original section 112 requirements, the alternative requirements approved under 40 CFR part 63, subpart A, or the previously approved site-specific alternative requirements). Also, in cases where the source does not maintain the conditions which prompted the approval of the alternatives to the monitoring testing, recordkeeping, and/or reporting requirements, WDOH must require the source to revert to the original monitoring, testing, recordkeeping, and reporting requirements, or more stringent requirements, if justified.

E. What Is the Effect of Other State Laws Regulating Radionuclide Air Emissions?

This partial approval and delegation delegates to WDOH authority to implement and enforce 40 CFR part 61, subparts A, B, H, I, K, Q, R, T, and W, as in effect on July 1, 2004. The partial approval and delegation does not extend to any additional state standards, including other state standards regulating radionuclide air emissions.

However, if both a State or local regulation and a Federal regulation apply to the same source, both must be complied with, regardless of whether the one is more stringent than the other, pursuant to the requirements of section 116 of the Clean Air Act.

F. Delegation of Newly Promulgated and Revised Radionuclide NESHAPs

WDOH may receive partial approval and delegation of newly promulgated or revised Radionuclide NESHAPs by the following streamlined process: (1) WDOH will send a letter to EPA requesting delegation for such new or revised NESHAPs which WDOH has adopted by reference into Washington regulations; (2) EPA will send a letter of response back to WDOH granting partial approval of the delegation request (or explaining why EPA cannot grant the request), and publish only EPA's approval in the **Federal Register**; (3) WDOH does not need to send a response back to EPA.

G. How Will WDOH Receive Partial Approval and Delegation of Newly Promulgated and Revised Radionuclide NESHAPs?

WDOH is not obligated to request or receive future delegations. However, EPA encourages WDOH, on an annual basis, to revise its rules to incorporate by reference newly promulgated or revised Radionuclide NESHAPs and request updated delegation. Preferably, WDOH should adopt Federal regulations effective July 1, of each year; this corresponds with the publication date of the Code of Federal Regulations (CFR).

H. How Will This Partial Approval and Delegation Affect Indian Country?

This partial approval and delegation to WDOH to implement and enforce the

Radionuclide NESHAPs does not extend to sources or activities located in Indian country, as defined in 18 U.S.C. 1151. "Indian country" is defined under 18 U.S.C. 1151 as: (1) All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation; (2) all dependent Indian communities within the borders of the United States, whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State; and (3) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. Under this definition, EPA treats as reservations trust lands validly set aside for the use of a Tribe, even if the trust lands have not been formally designated as a reservation. Consistent with previous Federal program approvals or delegations, EPA will continue to implement the NESHAPs in Indian country, because WDOH has not adequately demonstrated its authority over sources and activities located within the exterior boundaries of Indian reservations and other areas in Indian country.

IV. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). This action merely approves State law as meeting Federal requirements and imposes no additional requirements beyond those imposed by State law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by State law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the

Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4).

The rule also does not have Tribal implications because it will not have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). Consistent with EPA policy, however, EPA nonetheless initiated consultation with representatives of tribal governments in the process of developing this proposal to permit them to have meaningful and timely input into its development.

This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a State request to receive delegation of certain Federal standards, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing program approval and delegation submissions, EPA's role is to approve submissions provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a delegation submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA to use VCS in place of a delegation submission that otherwise satisfies the provisions of the Clean Air Act. Thus the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small

Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 4, 2006. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (*See* section 307(b)(2)).

List of Subjects in 40 CFR Part 61

Environmental protection, Air pollution control, Radionuclides, Reporting, and recordkeeping requirements.

Dated: May 19, 2006.

L. Michael Bogert,
Regional Administrator, Region 10.

■ 40 CFR part 61 is amended to read as follows:

PART 61—[AMENDED]

■ 1. The authority citation for part 61 continues to read as follows:

Authority: 42 U.S.C. 7401, 7412, 7413, 7414, 7416, 7601 and 7602.

Subpart A—General Provisions

■ 2. Section 61.04 is amended by revising the table in paragraph (c)(10) to read as follows:

§ 61.04 Address.

*	*	*	*	*
(c)	*	*	*	
(10)	*	*	*	

DELEGATION STATUS FOR PART 61 STANDARDS—REGION 10¹

Subparts ²	AK	ID	OR		WA							YRCAA ¹⁴	WDOH ¹⁵
			ODEQ ⁵	LRAPA ⁶	Ecol-ogy ⁷	BCAA ⁸	NWCAA ⁹	ORCAA ¹⁰	PSCAA ¹¹	SWCAA ¹²	SCAPCA ¹³		
A ADEC ³	X ¹⁶	X ¹⁶	X ¹⁶	X ¹⁶	X ¹⁶	X ¹⁶	X ¹⁶	X ¹⁶	X ¹⁶	X ¹⁶	X ¹⁶	X ¹⁶	X ¹⁷
B Radon from Underground Uranium Mines													X
C Beryllium		X	X	X	X	X	X	X	X	X	X	X	
D Beryllium Rocket Motor Firing		X	X	X	X	X	X	X	X	X	X	X	
E Mercury	X	X	X	X	X	X	X	X	X	X	X	X	
F Vinyl Chloride		X	X	X	X	X	X	X	X	X	X	X	
H Radionuclide other than Radon from Dept. of Energy Facilities													X
I Radionuclide from Federal Facilities other than Nuclear Regulatory Commission Licensees and not covered by Subpart H													
J Equipment Leaks of Benzene	X	X	X	X	X	X	X	X	X	X	X	X	X
K Radionuclide from Elemental Phosphorus Plants													
L Benzene from Coke By-Product Recovery Plants													X
M Asbestos	X	X	X	X	X	X	X	X	X	X	X	X	
N Inorganic Arsenic from Glass Manufacturing Plants		X	X	X	X	X	X	X	X	X	X	X	
O Inorganic Arsenic from Primary Copper Smelters		X	X	X	X	X	X	X	X	X	X	X	
P Inorganic Arsenic emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities		X	X	X	X	X	X	X	X	X	X	X	
Q Radon from Dept. of Energy Facilities													X
R Radon from Phosphogypsum Stacks													X
T Radon from Disposal Uranium Mill Tailings													X
V Equipment Leaks (Fugitive Sources)	X	X	X	X	X	X	X	X	X	X	X	X	
W Radon from Operating Mill Tailings													
Y Benzene from Benzene Storage Vessels	X	X	X	X	X	X	X	X	X	X	X	X	
BB Benzene from Benzene Transfer Operations													
FF Benzene Waste Operations	X	X	X	X	X	X	X	X	X	X	X	X	

1. Table last updated on July 5, 2006.

2. Any authority within any subpart of this part (i.e. under "Delegation of Authority") that is identified as not delegable, is not delegated.

3. Alaska Department of Environmental Conservation (01/18/1997). Note: Alaska received delegation for § 61.145 and § 61.154 of subpart M (Asbestos), along with other sections and appendices which are referenced in § 61.145, as § 61.145 applies to sources required to obtain an operating permit under Alaska's regulations. Alaska has not received delegation for subpart M for sources not required to obtain an operating permit under Alaska's regulations.

4. Idaho Department of Environmental Quality (07/01/2003). Note: Delegation of these part 61 subparts applies only to those sources in Idaho required to obtain an operating permit under title V of the Clean Air Act.

5. Oregon Department of Environmental Quality (07/01/2004).

6. Lane Regional Air Pollution Authority (07/01/2001).

7. Washington Department of Ecology (02/20/2001). Note: Delegation of part 61, subpart M, applies only to sources required to obtain an operating permit under title V of the Clean Air Act, including Hanford. (Pursuant to RCW 70.105.240, only Ecology can enforce non-radionuclide regulations at Hanford).

8. Benton Clean Air Authority (02/20/2001). Note: Delegation of part 61, subpart M, excludes Hanford, see note #7.

9. Northwest Clean Air Agency (07/01/2003).

10. Olympic Regional Clean Air Agency (07/01/2000). Note: Delegation of part 61, subpart M applies only to sources required to obtain an operating permit under title V of the Clean Air Act.

11. Puget Sound Clean Air Agency (07/01/2005).
12. Southwest Clean Air Agency (08/01/1998).
13. Spokane County Air Pollution Control Authority (02/20/2001).
14. Yakima Regional Clean Air Authority (07/01/2000).
15. Washington State Department of Health (07/01/2004). Note: WDOH is only delegated the Radionuclide NESHAPs. Other NESHAPs will be enforced by Washington State Department of Ecology and local air agencies, as applicable.
16. General Provisions Authorities which are not delegated include: §§61.04(b); 61.12(d)(1); 61.13(h)(1)(ii) for approval of major alternatives to test methods; §61.14(g)(1)(ii) for approval of major alternatives to monitoring; §61.16; §61.53(c)(4); and any sections in the subparts pertaining to approval of alternative standards (*i.e.*, alternative means of emission limitations), or approval of major alternatives to test methods or monitoring. For definitions of *minor*, *intermediate*, and *major* alternatives or changes to test methods and monitoring, see 40 CFR 63.90.
17. General Provisions Authorities which are not delegated include: waiver of recordkeeping, approval of alternative means of emission limitation, approval of alternatives to test methods, except as provided in 40 CFR 61.13(h)(1)(i), approval of alternative to monitoring that do not qualify as "Minor changes to monitoring," "Intermediate changes to monitoring," or "Minor changes to recordkeeping/reporting" as defined in 40 CFR 63.90, and availability of information.

[FR Doc. E6-8470 Filed 6-2-06; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

48 CFR Parts 1532 and 1552

[FRL-8179-6]

EPAAR Prescription and Clause—Simplified Acquisition Procedures Financing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is revising the EPA Acquisition Regulation (EPAAR) Subparts 1532 and 1552 to implement a procedure for simplified acquisition procedures financing. This EPAAR revision adds a prescription and clause for contracting officers to use when approving advance or interim payments on simplified acquisitions. The prescription and clause apply to commercial item orders at or below the simplified acquisition threshold. This action revises the EPAAR, but does not impose any new requirements on Agency contractors. The procedure allows contractors to invoice for advance and interim payments in accordance with standard commercial practices when authorized by the contracting officer and identified in the clause payment schedule.

DATES: This final rule is effective on June 5, 2006.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA-OARM-2006-0126. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy at the OEI Docket, EPA/DC, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OEI Docket is (202) 566-1752.

FOR FURTHER INFORMATION CONTACT: Tiffany Schermerhorn, Policy, Training

and Oversight Division, Office of Acquisition Management, Mail Code 3802R, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 564-9902; fax number: (202) 565-2475; e-mail address: schermerhorn.tiffany@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

The EPAAR additions are necessary so that contracting officers may provide simplified acquisition procedures financing that is appropriate or customary in the commercial marketplace when purchasing commercial items at or below the simplified acquisition threshold. This rule does not impose any new requirements regarding submission of invoices or vouchers since Agency contractors currently submit invoices or vouchers for payment of orders. The EPAAR changes are consistent with the Federal Acquisition Regulation. No public comments were received in response to the proposed rule published on March 13, 2006. However, a minor revision to the proposed language has been made in response to an internal agency comment.

II. Statutory and Executive Order Reviews

A. Executive Order 12866

It has been determined that this rule is not a “significant regulatory action” under the terms of Executive Order 12866 and is therefore not subject to OMB review.

B. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* This rule does not impose any new information collection or other requirements on Agency contractors.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impacts of today’s rule on small entities, small entity is defined as: (1) A small business

as defined by the Small Business Administration’s (SBA) regulations at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of today’s proposed rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. This final rule will not impose any new requirements on small entities.

D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with “Federal mandates” that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of \$100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising

small governments on compliance with the regulatory requirements.

Today's rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local, or tribal governments or the private sector. The rule imposes no enforceable duty on any State, local or tribal governments or the private sector. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA.

E. Executive Order 13132 (Federalism)

Executive Order 13132, entitled "Federalism" (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government."

This final rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. Thus, Executive Order 13132 does not apply to this rule.

F. Executive Order 13175 (Consultation and Coordination With Indian Tribal Governments)

Executive Order 13175, entitled "Consultation and Coordination with Indian Tribal Governments" (65 FR 67249, November 9, 2000), requires EPA to develop an accountable process to ensure "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications." This final rule does not have tribal implications, as specified in Executive Order 13175. It will not have substantial direct effects on tribal governments, or on the relationship between the Federal government and Indian tribes, as specified in Executive Order 13175. The final rule amends acquisition regulations that are administrative and procedural in nature. Thus, Executive Order 13175 does not apply to this rule.

G. Executive Order 13045

Executive Order 13045: "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885,

April 23, 1997) applies to any rule that: (1) Is determined to be "economically significant" as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to Executive Order 13045 because it is not an economically significant rule as defined by Executive Order 12866, and because it does not involve decisions on environmental health or safety risk.

H. Executive Order 13211 (Energy Effects)

This rule is not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355 (May 22, 2001)) because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act of 1995

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 ("NTTAA"), Public Law 104-113, 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This rulemaking does not involve technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards. EPA welcomes comments on this aspect of the rulemaking and, specifically, invites the public to identify potentially-applicable voluntary consensus standards and to explain why such standards should be used in this regulation.

J. Submission to Congress and the General Accounting Office

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement

Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2). This rule will be effective on June 5, 2006.

List of Subjects in 48 CFR Parts 1532 and 1552

Government procurement.

Dated: May 24, 2006.

Judy S. Davis,

Director, Office of Acquisition Management.

■ For the reasons set forth in the Preamble, the Environmental Protection Agency amends Chapter 15 of Title 48 Code of Federal Regulations, parts 1532 and 1552 as set forth below:

■ 1. The authority citation for 48 CFR parts 1532 and 1552 continues to read as follows:

Authority: Section 205(c), 63 Stat. 390 as amended, 40 U.S.C. 486(c).

PART 1532—CONTRACT FINANCING

■ 2. Add 1532.003 to read as follows:

1532.003 Simplified acquisition procedures financing.

(a) *Scope.* This subpart provides for authorization of advance and interim payments on commercial item orders not exceeding the simplified acquisition threshold. Advance payments are payments that are made prior to performance. Interim payments are payments that are made during the order period according to a payment schedule.

(b) *Procedures for micropurchases.* Contracting officers may authorize advance and interim payments on orders for commercial items only at or below the micropurchase threshold.

(c) *Procedures for purchases exceeding micropurchase threshold.* Contracting officers must secure approval at one level above the contracting officer, on a case-by-case basis, for advance and interim payments on orders for commercial items exceeding the micropurchase threshold and not exceeding the simplified acquisition threshold. The contracting officer shall submit a recommendation

for approval of financing terms, along with the supporting rationale for the action, to one level above the contracting officer. Remote simplified acquisition contracting officers (SACO) without one level above contracting officers at their locations shall forward recommendations through their OAM Advisors to secure one level above approval.

(d) *Supporting rationale.* Regardless of dollar value, the contracting officer shall document the file with supporting rationale demonstrating that the purchase meets the conditions of FAR 32.202-1(b)(1), (3) and (4).

(e) *Administration.* Regardless of dollar value, the contracting officer is responsible for ensuring that supplies or services have been delivered. The contracting officer shall document the file with evidence of receipt of supplies

or services throughout the order period as appropriate to the acquisition.

(f) *Clause.* The contracting officer shall insert the clause at 1552.232-74, Payments—Simplified Acquisition Procedures Financing, in solicitations and orders that will provide simplified acquisition procedures financing.

PART 1552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 3. Add 1552.232-74 to read as follows:

1552.232-74 Payments—Simplified Acquisition Procedures Financing.

As prescribed in 1532.003, insert the following clause in solicitations and orders that will provide simplified acquisition procedures financing.

Payments—Simplified Acquisition Procedures Financing (JUN 2006)

Simplified acquisition procedures financing in the form of _____ [contracting officer insert *advance* (prior to performance) and/or *interim* (according to payment schedule) payment(s)] will be provided under this commercial item order in accordance with the payment schedule below. If both advance and interim payments are to be made, the payment schedule shown below will specify the type of payment provided for each line item.

The Government shall pay the contractor as follows upon the submission of invoices or vouchers approved by the project officer:

_____ [insert payment schedule].

[FR Doc. E6-8665 Filed 6-2-06; 8:45 am]

BILLING CODE 6560-50-P

Proposed Rules

Federal Register

Vol. 71, No. 107

Monday, June 5, 2006

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Parts 1 and 41

[Docket No. PTO-C-2006-0015]

RIN 0651-AB81

Revision of Patent Fees for Fiscal Year 2007

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Proposed rule.

SUMMARY: The United States Patent and Trademark Office (referred to as “we”, “us”, or “our” in this document) is proposing to adjust certain patent fee amounts to reflect fluctuations in the Consumer Price Index (CPI). Also, we are proposing to adjust, by a corresponding amount, a few patent fees that track the affected fees. The Director is authorized to adjust these fees annually by the CPI to recover the higher costs associated with doing business.

We are proposing to adjust the patent fees under the Consolidated Appropriations Act, 2005 (Consolidated Appropriations Act), which revised certain patent fees, and provided for a search fee and examination fee that are separate from the filing fee, during fiscal years 2005 and 2006. Legislation has been introduced in the Congress that would extend the fee revisions in the Consolidated Appropriations Act. If, for any period during fiscal year 2007, the fee revisions in the Consolidated Appropriations Act are not in effect, then the fee adjustment would apply to the former fee amounts that were in place on October 1, 2004, to December 7, 2004, prior to the enactment of the Consolidated Appropriations Act.

DATES: Comments must be submitted on or before July 5, 2006.

ADDRESSES: You may submit comments, identified by RIN number 0651-AB81, by any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

- E-mail: Tamara.McClure@uspto.gov. Include RIN number 0651-AB81 in the subject line of the message.
- Fax: (571) 273-6500, marked to the attention of Tamara McClure.
- Mail: Mail Stop 16, Director of the U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, marked to the attention of Tamara McClure.

Instructions: All submissions received must include the agency name and Regulatory Information Number (RIN) for this rule making. For additional information on the rule making process, see the heading of the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Tamara McClure by e-mail at Tamara.McClure@uspto.gov, by telephone at (571) 272-6345, or by fax at (571) 273-6500.

SUPPLEMENTARY INFORMATION: This proposed rule would adjust our fees in accordance with the applicable provisions of title 35, United States Code, as amended by the Consolidated Appropriations Act, 2005 (Consolidated Appropriations Act) (Pub. L. 108-447). This proposed rule would also adjust, by a corresponding amount, a few patent fees (37 CFR 1.17(e), (r), (s), and (t)) that track statutory fees (either 37 CFR 1.16(a) or 1.17(m)).

We are proposing to adjust the patent fees under the Consolidated Appropriations Act, which revised certain patent fees, and provided for a search fee and examination fee that are separate from the filing fee, during fiscal years 2005 and 2006. Legislation has been introduced in the Congress that would extend the fee revisions in the Consolidated Appropriations Act. If any legislation is enacted that extends the fee revisions in the Consolidated Appropriations Act, then Option 1 of this proposed rule notice would apply.

If, for any period during fiscal year 2007, the fee revisions in the Consolidated Appropriations Act are not in effect, then Option 2 of this proposed rule notice would apply and the fee adjustment would apply to the former fee amounts that were in place on October 1, 2004, to December 7, 2004, prior to the enactment of the Consolidated Appropriations Act.

Customers may wish to refer to our official Web site at <http://www.uspto.gov> for the most current fee amounts.

Background

Statutory Provisions

Patent fees are authorized by 35 U.S.C. 41, 119, 120, 132(b) and 376. For fees paid under 35 U.S.C. 41(a) and (b) and 132(b), independent inventors, small business concerns, and nonprofit organizations who meet the requirements of 35 U.S.C. 41(h)(1) are entitled to a fifty-percent reduction.

Section 41(f) of title 35, United States Code, provides that fees established under 35 U.S.C. 41(a) and (b) may be adjusted on October 1, 1992, and every year thereafter, to reflect fluctuations in the CPI over the previous twelve months.

Section 41(d) of title 35, United States Code, authorizes the Director to establish fees for all other processing, services, or materials related to patents to recover the average cost of providing these services or materials, except for the fees for recording a document affecting title, for each photocopy, for each black and white copy of a patent, and for standard library service.

Section 41(g) of title 35, United States Code, provides that new fee amounts established by the Director under section 41 may take effect thirty days after notice in the **Federal Register** and the *Official Gazette of the United States Patent and Trademark Office*.

Fee Adjustment Level

The patent statutory fees established by 35 U.S.C. 41(a) and (b) are proposed to be adjusted on October 1, 2006, to reflect fluctuations occurring during the twelve-month period from October 1, 2005, through September 30, 2006, in the Consumer Price Index for All Urban Consumers (CPI-U). The Office of Management and Budget has advised us that in calculating these fluctuations, we should use CPI-U data as determined by the Secretary of Labor. In accordance with previous fee-setting methodology, we base this fee adjustment on the Administration's projected CPI-U for the twelve-month period ending September 30, 2006, which is 3.5 percent. Based on this projected CPI-U, patent statutory fees are proposed to be adjusted by 3.5 percent. Before the final fee amounts are published, the fee

amounts may be adjusted based on actual fluctuations in the CPI—U published by the Secretary of Labor.

Certain patent processing fees established under 35 U.S.C. 41(d), 119, 120, 132(b), 376, and Public Law 103–465 (the Uruguay Round Agreements Act) are proposed to be adjusted to reflect fluctuations in the CPI.

The fee amounts were rounded by applying standard arithmetic rules so that the amounts rounded will be convenient to the user. Fees for other than a small entity of \$100 or more were rounded to the nearest \$10. Fees of less than \$100 were rounded to an even number so that any comparable small entity fee will be a whole number.

Procedures for Determining the Correct Fee Amount Owed

The following subsections detail the procedures for determining the fees owed during the transition to the new fee schedule. Fees owed may be affected by proper use of a Certificate of Mailing or Transmission under § 1.8(a)(1), or use of “Express Mail Post Office to Addressee” under § 1.10(a).

Use of a Certificate of Mailing or Transmission is not authorized for items that are specifically excluded from the provisions of § 1.8. Items for which a Certificate of Mailing or Transmission under § 1.8 are not authorized include, for example, filing of Continued Prosecution Applications (CPAs) under § 1.53(d) and other national and international applications for patents. *See* 37 CFR 1.8(a)(2).

Patent-related correspondence delivered by the “Express Mail Post Office to Addressee” service of the United States Postal Service (USPS) is considered filed or received in our office on the date of deposit with the USPS. *See* 37 CFR 1.10(a)(1). The date of deposit with the USPS is shown by the “date-in” on the “Express Mail” mailing label or other official USPS notation.

a. The Post Issuance Fee for Patents Under 35 U.S.C. 41(b)

Section 41(b) of title 35, United States Code, provides for maintenance fees. Any maintenance fee amount that is paid on or after the effective date of the proposed fee adjustment would be subject to the new fees then in effect.

If a Certificate of Mailing or Transmission was used, and was proper under § 1.8(a)(1), the fee required would be the lower of:

(1) The fee in effect on the date the USPTO receives the fee; or

(2) The fee in effect on the date of mailing indicated on a proper Certificate

of Mailing or Transmission under § 1.8(a)(1).

Patent-related correspondence delivered by the “Express Mail Post Office to Addressee” service of the USPS is considered filed or received in our office on the date of deposit with the USPS. *See* 37 CFR 1.10(a)(1). The date of deposit with the USPS is shown by the “date-in” on the “Express Mail” mailing label or other official USPS notation.

b. The Filing Fee for Patent Applications Filed Under 35 U.S.C. 111 and 37 CFR 1.53

Section 111 of title 35, United States Code, provides for the filing of a patent application with the USPTO. If the filing fee for an application filed under 35 U.S.C. 111 is received when the application is filed, the filing fee required would be the filing fee in effect on the filing date assigned to the application. If the USPTO receives the filing fee on a date later than the filing date assigned to the application, the filing fee required would be the higher of:

(1) The filing fee in effect on the filing date assigned to the application; or

(2) The filing fee in effect on the date the USPTO receives the filing fee.

The filing fee includes the basic fee, excess claims fees (if any), and the multiple dependent claim fee (if any), for claims present on filing (unless the excess or multiple dependent claims are canceled before the filing fee is paid). Of course, if the basic filing fee is received on a date later than the filing date assigned to the application filed under 35 U.S.C. 111, a surcharge as set forth in § 1.16(e) would also be required.

A Certificate of Mailing or Transmission under § 1.8(a)(1) cannot be used for national (including a continued prosecution application (CPA) under § 1.53(d)) and international patent applications. *See* 37 CFR 1.8(a)(2).

Patent-related correspondence delivered by the “Express Mail Post Office to Addressee” service of the USPS is considered filed or received in our office on the date of deposit with the USPS. *See* 37 CFR 1.10(a)(1). The date of deposit with the USPS is shown by the “date-in” on the “Express Mail” mailing label or other official USPS notation.

c. The Fees for International Patent Applications Entering the National Stage Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495

Section 371 of title 35, United States Code, provides for the national stage filing of a patent application under the

Patent Cooperation Treaty. The basic national fee for an international application entering the national stage is due not later than the expiration of 20 months from the priority date in the international application (or 30 months from the priority date if the United States was elected prior to the expiration of 19 months from the priority date). The amount of the basic national fee that is required to be paid would be the basic national fee in effect on the date the full fee is received.

A Certificate of Mailing or Transmission under § 1.8(a)(1) cannot be used for international patent applications. *See* 37 CFR 1.8(a)(2).

Patent-related correspondence delivered by the “Express Mail Post Office to Addressee” service of the USPS is considered filed or received in our office on the date of deposit with the USPS. *See* 37 CFR 1.10(a)(1). The date of deposit with the USPS is shown by the “date-in” on the “Express Mail” mailing label or other official USPS notation.

Discussion of Specific Rules

Option 1

Legislation has been introduced in the Congress that would extend the fee revisions in the Consolidated Appropriations Act. If any legislation is enacted that extends the fee revisions in the Consolidated Appropriations Act, then Option 1 of this proposed rule notice would apply. To ensure clarity in the implementation of the proposed new fees, a discussion of specific sections is set forth below.

37 CFR 1.16 National Application Filing, Search, and Examination Fees

Section 1.16, paragraphs (a) through (e), (h) through (j), (o), and (q) through (s), if revised as proposed, would adjust fees established therein to reflect fluctuations in the CPI.

37 CFR 1.17 Patent Application and Reexamination Processing Fees

Section 1.17, paragraphs (a)(2) through (a)(5), (e), (l), (m), (r), and (s), if revised as proposed, would adjust fees established therein to reflect fluctuations in the CPI. In addition, we are proposing to adjust paragraph (t) to track the statutory fee under paragraph (m).

37 CFR 1.18 Patent Post Allowance (Including Issue) Fees

Section 1.18, paragraphs (a) through (c), if revised as proposed, would adjust fees established therein to reflect fluctuations in the CPI.

37 CFR 1.20 Post Issuance Fees

Section 1.20, paragraphs (c)(3), (c)(4), and (e) through (g), if revised as proposed, would adjust fees established therein to reflect fluctuations in the CPI.

37 CFR 1.492 National Stage Fees

Section 1.492, paragraphs (a), (c)(2), (d) through (f), and (j), if revised as proposed, would adjust fees established therein to reflect fluctuations in the CPI.

37 CFR 41.20 Fees

Section 41.20, paragraphs (b)(1) through (b)(3), if revised as proposed, would adjust fees established therein to reflect fluctuations in the CPI.

Option 2

Legislation has been introduced in the Congress that would extend the fee revisions in the Consolidated Appropriations Act. If, for any period during fiscal year 2007, the fee revisions in the Consolidated Appropriations Act are not in effect, then Option 2 of this proposed rule notice would apply. To ensure clarity in the implementation of the proposed new fees, a discussion of specific sections is set forth below.

37 CFR 1.16 National Application Filing Fees

Section 1.16, paragraphs (a), (b), (d), (f) through (i), and (k), if revised as proposed, would adjust fees established therein to reflect fluctuations in the CPI.

37 CFR 1.17 Patent Application and Reexamination Processing Fees

Section 1.17, paragraphs (a)(2) through (a)(5), (e), (m), and (r) through (t), if revised as proposed, would adjust fees established therein to reflect fluctuations in the CPI.

37 CFR 1.18 Patent Post Allowance (Including Issue) Fees

Section 1.18, paragraphs (a) through (c), if revised as proposed, would adjust fees established therein to reflect fluctuations in the CPI.

37 CFR 1.20 Post Issuance Fees

Section 1.20, paragraphs (e) through (g), if revised as proposed, would adjust fees established therein to reflect fluctuations in the CPI.

37 CFR 1.492 National Stage Fees

Section 1.492, paragraphs (a)(1) through (a)(3), (a)(5), (b) and (d), if revised as proposed, would adjust fees established therein to reflect fluctuations in the CPI.

37 CFR 41.20 Fees

Section 41.20, paragraphs (b)(1) through (b)(3), if revised as proposed,

would adjust fees established therein to reflect fluctuations in the CPI.

Other Considerations

Paperwork Reduction Act: This rule involves information collection requirements that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.). The collections of information involved in this proposed rule have been reviewed and previously approved by the OMB under the following control numbers: 0651-0016, 0651-0021, 0651-0031, 0651-0032, and 0651-0033. The Office is not resubmitting information collection requests to the OMB for its review and approval because the changes in this rule do not affect the information collection requirements associated with the information collections under these OMB control numbers.

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB control number.

Regulatory Flexibility Act: For the reasons set forth herein, the Deputy General Counsel for General Law of the United States Patent and Trademark Office has certified to the Chief Counsel for Advocacy, Small Business Administration, that the proposed rule change will not have a significant economic impact on a substantial number of small entities (Regulatory Flexibility Act, 5 U.S.C. 605(b)).

By statute, the USPTO's Director is expressly authorized to adjust fees annually to reflect fluctuations in the Consumer Price Index (CPI). See 35 U.S.C. 41(f) (certain fees "may be adjusted by the Director on October 1, 1992, and every year thereafter, to reflect any fluctuations occurring during the previous 12 months in the Consumer Price Index as determined by the Secretary of Labor"). The proposed rule increases fees to reflect the change in the CPI as authorized by 35 U.S.C. 41(f). Legislation has been introduced in the Congress that would extend the fee revisions in the Consolidated Appropriations Act, 2005 (Consolidated Appropriations Act) (Pub. L. 108-447). If the legislation is enacted, Option 1 of the proposed rule would apply. If this legislation is not enacted, the fee adjustment would apply to the former fee amounts that were in place on October 1, 2004, to December 7, 2004, prior to the enactment of the

Consolidated Appropriations Act. If this legislation is not enacted, Option 2 of this proposed rule would apply.

The fee increases would range from a minimum of \$2 to a maximum of \$130 under Option 1 of the proposed rule, and a minimum of \$4 to a maximum of \$120 under Option 2 of the proposed rule.

Under 35 U.S.C. 41(h)(1) small entities are accorded a fifty-percent reduction in most patent fees. Consequently, the small entity fee increases would range from a minimum of \$1 to a maximum of \$65 under Option 1 of the proposed rule, and a minimum of \$2 to a maximum of \$60 under Option 2 of the proposed rule. The sole exception under this proposed rule package is the fee set forth under 37 CFR 1.17(t), which does not qualify for a small entity fee reduction. The fee increase for 37 CFR 1.17(t) would be \$180 under Option 1 of the proposed rule, or \$50 under Option 2 of the proposed rule.

Accordingly, the proposed rule does not have a significant economic impact on a substantial number of small entities.

List of Subjects**37 CFR Part 1**

Administrative practice and procedure, Biologics, Courts, Freedom of information, Inventions and patents, Reporting and recordkeeping requirements, Small businesses.

37 CFR Part 41

Administrative practice and procedure, Inventions and patents, Lawyers.

For the reasons set forth in the preamble, we are proposing to amend title 37 of the Code of Federal Regulations, parts 1 and 41 as set forth below.

Option 1

The amendments in Option 1 would be used if legislation is enacted to extend the fee revisions in the Consolidated Appropriations Act.

PART 1—RULES OF PRACTICE IN PATENT CASES

1. The authority citation for 37 CFR part 1 would continue to read as follows:

Authority: 35 U.S.C. 2(b)(2), unless otherwise noted.

2. Section 1.16 is proposed to be amended by revising paragraphs (a) through (e), (h) through (j), (o), and (q) through (s) to read as follows:

§ 1.16 National application filing, search and examination fees.

(a) Basic fee for filing each application under 35 U.S.C. 111 for an original patent, except design, plant, or provisional applications:

(1) For an application filed on or after December 8, 2004:

By a small entity (§ 1.27(a)) if the application is submitted in compliance with the Office electronic filing system (§ 1.27(b)(2))	\$75.00
By a small entity (§ 1.27(a))	155.00
By other than a small entity	310.00

(2) For an application filed before December 8, 2004:

By a small entity (§ 1.27(a))	\$410.00
By other than a small entity	820.00

(b) Basic fee for filing each application for an original design patent:

(1) For an application filed on or after December 8, 2004:

By a small entity (§ 1.27(a))	\$105.00
By other than a small entity	210.00

(2) For an application filed before December 8, 2004:

By a small entity (§ 1.27(a))	\$180.00
By other than a small entity	360.00

(c) Basic fee for filing each application for an original plant patent:

(1) For an application filed on or after December 8, 2004:

By a small entity (§ 1.27(a))	\$105.00
By other than a small entity	210.00

(2) For an application filed before December 8, 2004:

By a small entity (§ 1.27(a))	\$285.00
By other than a small entity	570.00

(d) Basic fee for filing each provisional application:

By a small entity (§ 1.27(a))	\$105.00
By other than a small entity	210.00

(e) Basic fee for filing each application for the reissue of a patent:

(1) For an application filed on or after December 8, 2004:

By a small entity (§ 1.27(a))	\$155.00
By other than a small entity	310.00

(2) For an application filed before December 8, 2004:

By a small entity (§ 1.27(a))	\$410.00
By other than a small entity	820.00

* * * * *

(h) In addition to the basic filing fee in an application, other than a provisional application, for filing or later presentation at any other time of each claim in independent form in excess of 3:

By a small entity (§ 1.27(a))	\$105.00
By other than a small entity	210.00

(i) In addition to the basic filing fee in an application, other than a

provisional application, for filing or later presentation at any other time of each claim (whether dependent or independent) in excess of 20 (note that § 1.75(c) indicates how multiple dependent claims are considered for fee calculation purposes):

By a small entity (§ 1.27(a))	\$26.00
By other than a small entity	52.00

(j) In addition to the basic filing fee in an application, other than a provisional application, that contains, or is amended to contain, a multiple dependent claim, per application:

By a small entity (§ 1.27(a))	\$185.00
By other than a small entity	370.00

* * * * *

(o) Examination fee for each application filed under 35 U.S.C. 111 on or after December 8, 2004, for an original patent, except design, plant, or provisional applications:

By a small entity (§ 1.27(a))	\$105.00
By other than a small entity	210.00

(q) Examination fee for each application filed on or after December 8, 2004, for an original plant patent:

By a small entity (§ 1.27(a))	\$85.00
By other than a small entity	170.00

(r) Examination fee for each application filed on or after December 8, 2004, for the reissue of a patent:

By a small entity (§ 1.27(a))	\$310.00
By other than a small entity	620.00

(s) Application size fee for any application under 35 U.S.C. 111 filed on or after December 8, 2004, the specification and drawings of which exceed 100 sheets of paper, for each additional 50 sheets or fraction thereof (see § 1.52(f) for applications submitted in whole or in part on an electronic medium):

By a small entity (§ 1.27(a))	\$130.00
By other than a small entity	260.00

3. Section 1.17 is proposed to be amended by revising paragraphs (a)(2) through (a)(5), (e), (l), (m), and (r) through (t) to read as follows:

§ 1.17 Patent application and reexamination processing fees.

(a) * * *

(2) For reply within second month:

By a small entity (§ 1.27(a))	\$230.00
By other than a small entity	460.00

(3) For reply within third month:

By a small entity (§ 1.27(a))	\$525.00
By other than a small entity	1,050.00

(4) For reply within fourth month:

By a small entity (§ 1.27(a))	\$820.00
By other than a small entity	1,640.00

(5) For reply within fifth month:

By a small entity (§ 1.27(a))	\$1,115.00
By other than a small entity	2,230.00

* * * * *

(e) To request continued examination pursuant to § 1.114:

By a small entity (§ 1.27(a))	\$410.00
By other than a small entity	820.00

* * * * *

(l) For filing a petition for the revival of an unavoidably abandoned application under 35 U.S.C. 111, 133, 364, or 371, for the unavoidably delayed payment of the issue fee under 35 U.S.C. 151, or for the revival of an unavoidably terminated reexamination proceeding under 35 U.S.C. 133 (§ 1.137(a)):

By a small entity (§ 1.27(a))	\$260.00
By other than a small entity	520.00

(m) For filing a petition for the revival of an unintentionally abandoned application, for the unintentionally delayed payment of the fee for issuing a patent, or for the revival of an unintentionally terminated reexamination proceeding under 35 U.S.C. 41(a)(7) (§ 1.137(b)):

By a small entity (§ 1.27(a))	\$775.00
By other than a small entity	1,550.00

* * * * *

(r) For entry of a submission after final rejection under § 1.129(a):

By a small entity (§ 1.27(a))	\$410.00
By other than a small entity	820.00

(s) For each additional invention requested to be examined under § 1.129(b):

By a small entity (§ 1.27(a))	\$410.00
By other than a small entity	820.00

(t) For the acceptance of an unintentionally delayed claim for priority under 35 U.S.C. 119, 120, 121, or 365(a) or (c) (§§ 1.55 and 1.78)

* * * * *

4. Section 1.18 is proposed to be amended by revising paragraphs (a) through (c) to read as follows:

§ 1.18 Patent post allowance (including issue) fees.

(a) Issue fee for issuing each original patent, except a design or plant patent, or for issuing each reissue patent:

By a small entity (§ 1.27(a))	\$725.00
By other than a small entity	1,450.00

(b) Issue fee for issuing an original design patent:

By a small entity (§ 1.27(a))	\$415.00
By other than a small entity	830.00

(c) Issue fee for issuing an original plant patent:

By a small entity (§ 1.27(a))	\$570.00
By other than a small entity	1,140.00

* * * * *

5. Section 1.20 is proposed to be amended by revising paragraphs (c)(3), (c)(4), and (e) through (g) to read as follows:

§ 1.20 Post issuance fees.

* * * * *

(c) * * *

(3) For filing with a request for reexamination or later presentation at any other time of each claim in independent form in excess of 3 and also in excess of the number of claims in independent form in the patent under reexamination:

By a small entity (§ 1.27(a))	\$105.00
By other than a small entity	210.00

(4) For filing with a request for reexamination or later presentation at any other time of each claim (whether dependent or independent) in excess of 20 and also in excess of the number of claims in the patent under reexamination (note that § 1.75(c) indicates how multiple dependent claims are considered for fee calculation purposes):

By a small entity (§ 1.27(a))	\$26.00
By other than a small entity	52.00

* * * * *

(e) For maintaining an original or reissue patent, except a design or plant patent, based on an application filed on or after December 12, 1980, in force beyond four years, the fee being due by three years and six months after the original grant:

By a small entity (§ 1.27(a))	\$465.00
By other than a small entity	930.00

(f) For maintaining an original or reissue patent, except a design or plant patent, based on an application filed on or after December 12, 1980, in force beyond eight years, the fee being due by seven years and six months after the original grant:

By a small entity (§ 1.27(a))	\$1,190.00
By other than a small entity	2,380.00

(g) For maintaining an original or reissue patent, except a design or plant patent, based on an application filed on or after December 12, 1980, in force beyond twelve years, the fee being due by eleven years and six months after the original grant:

By a small entity (§ 1.27(a))	\$1,965.00
By other than a small entity	3,930.00

* * * * *

6. Section 1.492 is proposed to be amended by revising paragraphs (a), (c)(2), (d) through (f), and (j) to read as follows:

§ 1.492 National stage fees.

* * * * *

(a) The basic national fee for an international application entering the national stage under 35 U.S.C. 371 if the basic national fee was not paid before December 8, 2004:

By a small entity (§ 1.27(a))	\$155.00
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By other than a small entity	310.00
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* * * * *

(c) * * *

(2) In all situations not provided for in paragraph (c)(1) of this section:

By a small entity (§ 1.27(a))	\$105.00
By other than a small entity	210.00

(d) In addition to the basic national fee, for filing or on a later presentation at any other time of each claim in independent form in excess of 3:

By a small entity (§ 1.27(a))	\$105.00
By other than a small entity	210.00

(e) In addition to the basic national fee, for filing or on later presentation at any other time of each claim (whether dependent or independent) in excess of 20 (note that § 1.75(c) indicates how multiple dependent claims are considered for fee calculation purposes):

By a small entity (§ 1.27(a))	\$26.00
By other than a small entity	52.00

(f) In addition to the basic national fee, if the application contains, or is amended to contain, a multiple dependent claim, per application:

By a small entity (§ 1.27(a))	\$185.00
By other than a small entity	370.00

* * * * *

(j) Application size fee for any international application for which the basic national fee was not paid before December 8, 2004, the specification and drawings of which exceed 100 sheets of paper, for each additional 50 sheets or fraction thereof (see § 1.52(f) for applications submitted in whole or in part on an electronic medium):

By a small entity (§ 1.27(a))	\$130.00
By other than a small entity	260.00

PART 41—PRACTICE BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

1. The authority citation for 37 CFR part 41 would continue to read as follows:

Authority: 35 U.S.C. 2(b)(2), 3(a)(2)(A), 21, 23, 32, 41, 134, 135, unless otherwise noted.

2. Section 41.20 is proposed to be amended by revising paragraphs (b)(1) through (b)(3) to read as follows:

§ 41.20 Fees.

* * * * *

(b) * * *

(1) For filing a notice of appeal from the examiner to the Board:

By a small entity (§ 1.27(a) of this title)	\$260.00
By other than a small entity	520.00

(2) In addition to the fee for filing a notice of appeal, for filing a brief in support of an appeal:

By a small entity (§ 1.27(a) of this title)	\$260.00
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By other than a small entity	520.00
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(3) For filing a request for an oral hearing before the Board in an appeal under 35 U.S.C. 134:

By a small entity (§ 1.27(a) of this title)	\$520.00
By other than a small entity	1,040.00

Option 2

The amendments in Option 2 would be used if legislation is not enacted and the fee adjustments would apply to the former fee amounts that were in place prior to the enactment of the Consolidated Appropriations Act.

PART 1—RULES OF PRACTICE IN PATENT CASES

1. The authority citation for 37 CFR part 1 would continue to read as follows:

Authority: 35 U.S.C. 2, unless otherwise noted.

2. Section 1.16 is proposed to be amended by revising paragraphs (a), (b), (d), (f) through (i), and (k) to read as follows:

§ 1.16 National application filing fees.

(a) Basic fee for filing each application for an original patent, except provisional, design, or plant applications:

By a small entity (§ 1.27(a))	\$410.00
By other than a small entity	820.00

(b) In addition to the basic filing fee in an original application, except provisional applications, for filing or later presentation of each independent claim in excess of 3:

By a small entity (§ 1.27(a))	\$46.00
By other than a small entity	92.00

* * * * *

(d) In addition to the basic filing fee in an original application, except provisional applications, if the application contains, or is amended to contain, a multiple dependent claim(s), per application:

By a small entity (§ 1.27(a))	\$155.00
By other than a small entity	310.00

(f) Basic fee for filing each design application:

By a small entity (§ 1.27(a))	\$180.00
By other than a small entity	360.00

(g) Basic fee for filing each plant application, except provisional applications:

By a small entity (§ 1.27(a))	\$285.00
By other than a small entity	570.00

(h) Basic fee for filing each reissue application:

By a small entity (§ 1.27(a))	\$410.00
By other than a small entity	820.00

(i) In addition to the basic filing fee in a reissue application, for filing or

later presentation of each independent claim which is in excess of the number of independent claims in the original patent:

By a small entity (§ 1.27(a))	\$46.00
By other than a small entity	92.00

* * * * *

(k) Basic fee for filing each provisional application:

By a small entity (§ 1.27(a))	\$85.00
By other than a small entity	170.00

* * * * *

3. Section 1.17 is proposed to be amended by revising paragraphs (a)(2) through (a)(5), (e), (m), and (r) through (t) to read as follows:

§ 1.17 Patent application and reexamination processing fees.

(a) * * *

(2) For reply within second month:

By a small entity (§ 1.27(a))	\$220.00
By other than a small entity	440.00

(3) For reply within third month:

By a small entity (§ 1.27(a))	\$505.00
By other than a small entity	1,010.00

(4) For reply within fourth month:

By a small entity (§ 1.27(a))	\$790.00
By other than a small entity	1,580.00

(5) For reply within fifth month:

By a small entity (§ 1.27(a))	\$1,075.00
By other than a small entity	2,150.00

* * * * *

(e) To request continued examination pursuant to § 1.114:

By a small entity (§ 1.27(a))	\$410.00
By other than a small entity	820.00

* * * * *

(m) For filing a petition for the revival of an unintentionally abandoned application, for the unintentionally delayed payment of the fee for issuing a patent, or for the revival of an unintentionally terminated reexamination proceeding under 35 U.S.C. 41(a)(7) (§ 1.137(b)):

By a small entity (§ 1.27(a))	\$710.00
By other than a small entity	1,420.00

* * * * *

(r) For entry of a submission after final rejection under § 1.129(a):

By a small entity (§ 1.27(a))	\$410.00
By other than a small entity	820.00

(s) For each additional invention requested to be examined under § 1.129(b):

By a small entity (§ 1.27(a))	\$410.00
By other than a small entity	820.00

(t) For the acceptance of an unintentionally delayed claim for priority under 35 U.S.C. 119, 120, 121, or 365(a) or (c):

(§§ 1.55 and 1.78)	\$1,420.00
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4. Section 1.18 is proposed to be amended by revising paragraphs (a) through (c) to read as follows:

§ 1.18 Patent post allowance (including issue) fees.

(a) Issue fee for issuing each original or reissue patent, except a design or plant patent:

By a small entity (§ 1.27(a))	\$710.00
By other than a small entity	1,420.00

(b) Issue fee for issuing a design patent:

By a small entity (§ 1.27(a))	\$255.00
By other than a small entity	510.00

(c) Issue fee for issuing a plant patent:

By a small entity (§ 1.27(a))	\$340.00
By other than a small entity	680.00

* * * * *

5. Section 1.20 is proposed to be amended by revising paragraphs (e) through (g) to read as follows:

§ 1.20 Post issuance fees.

* * * * *

(e) For maintaining an original or reissue patent, except a design or plant patent, based on an application filed on or after December 12, 1980, in force beyond four years; the fee is due by three years and six months after the original grant:

By a small entity (§ 1.27(a))	\$485.00
By other than a small entity	970.00

(f) For maintaining an original or reissue patent, except a design or plant patent, based on an application filed on or after December 12, 1980, in force beyond eight years; the fee is due by seven years and six months after the original grant:

By a small entity (§ 1.27(a))	\$1,115.00
By other than a small entity	2,230.00

(g) For maintaining an original or reissue patent, except a design or plant patent, based on an application filed on or after December 12, 1980, in force beyond twelve years; the fee is due by eleven years and six months after the original grant:

By a small entity (§ 1.27(a))	\$1,720.00
By other than a small entity	3,440.00

* * * * *

6. Section 1.492 is amended by revising paragraphs (a)(1) through (a)(3), (a)(5), (b) and (d) to read as follows:

§ 1.492 National stage fees.

* * * * *

(a) * * *

(1) Where an international preliminary examination fee as set forth in § 1.482 has been paid on the international application to the United States Patent and Trademark Office:

By a small entity (§ 1.27(a))	\$390.00
By other than a small entity	780.00

(2) Where no international preliminary examination fee as set forth in § 1.482 has been paid to the United States Patent and Trademark Office, but an international search fee as set forth in § 1.445(a)(2) has been paid on the international application to the United States Patent and Trademark Office as an International Searching Authority:

By a small entity (§ 1.27(a))	\$410.00
By other than a small entity	820.00

(3) Where no international preliminary examination fee as set forth in § 1.482 has been paid and no international search fee as set forth in § 1.445(a)(2) has been paid on the international application to the United States Patent and Trademark Office:

By a small entity (§ 1.27(a))	\$575.00
By other than a small entity	1,150.00

(4) * * *

(5) Where a search report on the international application has been prepared by the European Patent Office or the Japan Patent Office:

By a small entity (§ 1.27(a))	\$490.00
By other than a small entity	980.00

(b) In addition to the basic national fee, for filing or later presentation of each independent claim in excess of 3:

By a small entity (§ 1.27(a))	\$46.00
By other than a small entity	92.00

* * * * *

(d) In addition to the basic national fee, if the application contains, or is amended to contain, a multiple dependent claim(s), per application:

By a small entity (§ 1.27(a))	\$155.00
By other than a small entity	310.00

PART 41—PRACTICE BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

1. The authority citation for 37 CFR part 41 would continue to read as follows:

Authority: 35 U.S.C. 2(b)(2), 3(a)(2)(A), 21, 23, 32, 41, 134, 135, unless otherwise noted.

2. Section 41.20 is proposed to be amended by revising paragraphs (b)(1) through (b)(3) to read as follows:

§ 41.20 Fees.

* * * * *

(b) *Appeal Fees.*

(1) For filing a notice of appeal from the examiner to the Board:

By a small entity (§ 1.27(a) of this title)	\$175.00
By other than a small entity	350.00

(2) In addition to the fee for filing a notice of appeal, for filing a brief in support of an appeal:

By a small entity (§ 1.27(a) of this title)	\$175.00
By other than a small entity	350.00

(3) For filing a request for an oral hearing before the Board in an appeal under 35 U.S.C. 134:

By a small entity (§ 1.27(a) of this title)	\$155.00
By other than a small entity	310.00

Dated: May 30, 2006.

Jon W. Dudas,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. E6-8682 Filed 6-2-06; 8:45 am]

BILLING CODE 3510-16-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R07-OAR-2006-0467; FRL-8179-8]

Approval and Promulgation of Implementation Plans; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: On November 3, 2005, Missouri submitted a plan to control emissions of nitrogen oxides (NO_x) for the eastern one-third of the state. The plan consists of three rules, a budget demonstration, and supporting documentation. The plan will contribute to attainment and maintenance of the 8-hour ozone standard in several downwind areas. Missouri's plan, which focuses on large electric generating units, large industrial boilers, large stationary internal combustion engines, and large cement kilns, was developed to meet the requirements of EPA's April 21, 2004, Phase II NO_x State Implementation Plan (SIP) Call. EPA is proposing to approve the plan as a SIP revision fulfilling the NO_x SIP Call requirements. The initial period for compliance under the plan will begin in 2007, and the emission monitoring and reporting requirements for sources holding allowances under the plan began on May 1, 2006.

DATES: Comments must be received on or before July 5, 2006.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R07-OAR-2006-0467, by one of the following methods:

1. <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.
2. E-mail: jay.michael@epa.gov.
3. Mail: Michael Jay, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

4. Hand Delivery or Courier. Deliver your comments to: Michael Jay, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

Instructions: Direct your comments to Docket ID No. EPA-R07-OAR-2006-0467. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <http://www.regulations.gov> or e-mail. The <http://www.regulations.gov> Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through <http://www.regulations.gov>, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket. All documents in the electronic docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy at the Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas. EPA requests that you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The interested persons wanting to examine these documents should make an

appointment with the office at least 24 hours in advance.

FOR FURTHER INFORMATION CONTACT:

Michael Jay at (913) 551-7460 or by e-mail at jay.michael@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document whenever "we," "us," or "our" is used, we mean EPA.

I. Background

- A. What Is EPA's NO_x SIP Call?
- B. What Was Our Response to Court Decisions on the NO_x SIP Call That Affected Missouri?
- C. What Requirements Must Missouri Meet?
- D. What Is EPA's NO_x Budget Trading Program?
- E. How Does the NO_x SIP Call Rule Relate to the Existing Statewide NO_x Rule?
- F. How Does the NO_x SIP Call Rule Relate to the Clean Air Interstate Rule?

II. Summary of State Submittal

- A. When Did Missouri Develop and Submit the NO_x Emission Control Plan to EPA?
- B. What Are the Basic Components of the State's Plan?
- C. What Do the Rules Require?
 1. What Are the Requirements of the EGU and Non-EGU Rule?
 2. What Are the Requirements of the Cement Kiln Rule?
 3. What Are the Requirements of the Large Stationary Internal Combustion Engine Rule?
- D. How Does Missouri Address Its NO_x SIP Call Budget?
 1. What NO_x Budget Did EPA Determine for the State?
 2. What Changes Did the State Request to the NO_x Budget and Are Those Changes Approvable?
 3. How Does Missouri Demonstrate That It Is Meeting the Budget?
- E. What Guidance Did EPA Use To Evaluate Missouri's NO_x Control Program?

III. Proposed Action

IV. Statutory and Executive Order Reviews

I. Background

A. What Is EPA's NO_x SIP Call?

By notice dated October 27, 1998 (63 FR 57356), we took final action to prohibit specified amounts of emissions of one of the main precursors of groundlevel ozone, NO_x, in order to reduce ozone transport across state boundaries in the eastern half of the United States. Based on extensive air quality modeling and analyses, we found that sources in 22 states and the District of Columbia (DC) emit NO_x in amounts that significantly contribute to nonattainment of the 1-hour and 8-hour ozone national ambient air quality standards (NAAQS) in downwind states. We set forth requirements for each of the affected upwind states to submit SIP revisions prohibiting those amounts of NO_x emissions during the

five-month period from May 1 through September 30 which significantly contribute to downwind air quality problems. We established statewide NO_x emissions budgets for the affected states. The budgets were calculated by assuming the emissions reductions that would be achieved by applying available, highly cost-effective controls to source categories of NO_x, *i.e.*, the amounts of reductions determined by EPA for large, fossil-fuel-fired electric generating units (EGUs), large, fossil-fuel-fired industrial boilers, combustion turbines, and combined cycle systems (non-EGUs), large stationary internal combustion (IC) engines, and cement kilns. States have the flexibility to adopt the appropriate mix of controls for their state to meet the NO_x emissions reductions requirements of the NO_x SIP Call. A number of parties, including certain states as well as industry and labor groups, challenged our NO_x SIP Call rule.

B. What Was Our Response to Court Decisions on the NO_x SIP Call That Affected Missouri?

On March 3, 2000, the Court of Appeals for the District of Columbia Circuit issued its decision on the NO_x SIP Call, ruling in our favor on the issues that affected the rulemaking as a whole, but ruling against us on several issues. *Michigan v. EPA*, 213 F.3d 663 (DC Cir. 2000). One of the adverse rulings affected our original decision to include the entire state of Missouri in the NO_x SIP Call. Specifically, the Court remanded and vacated the inclusion of Missouri in light of the Ozone Transport Assessment Group (OTAG) conclusions that emissions from the coarse grid portions of the modeling did not merit controls. Because the NO_x SIP Call was vacated with respect to Missouri, we advised Missouri that it need not submit a NO_x SIP Call revision until the remanded issue was addressed in a future rulemaking.

In response to the Court's decision that vacated our inclusion of the entire state of Missouri, we issued the February 22, 2002, proposed rule to include only fine grid parts of Missouri in the NO_x SIP Call. We explained that the Court in *Michigan* did not call into question our "proposition that the fine grid portion of each State should be considered to make a significant contribution downwind." (67 FR 8413) We further explained that "because of difficulties and uncertainties with accurately dividing emissions between fine and coarse grid of individual counties for the purpose of setting overall NO_x emissions budgets, we believe that the calculation of the

emissions budgets should be based on all counties which are wholly contained within the fine grid." (67 FR 8415)

On April 21, 2004, we finalized our responses to the Court's decision in a final rulemaking, "Interstate Ozone Transport: Response to Court Decisions on the NO_x SIP Call, NO_x SIP Call Technical Amendments, and Section 126 Rules," also referred to as the "Phase II of the NO_x SIP Call" (69 FR 21604). This rulemaking made a number of revisions to the 1998 rule. Most relevant to this proposal, it finalized our earlier proposal to include the fine grid portions of Missouri as contributing significantly to downwind nonattainment. Accordingly, consistent with the Court's finding in *Michigan*, the NO_x emissions budget was revised to include only the fine grid portion of the state, which constitutes approximately the eastern one-third of Missouri. The counties that are included in the calculation of the revised budget are listed in Table 1. The SIP due date was one year from the Phase II rulemaking. The requirement for compliance with the NO_x SIP Call is May 1, 2007.

TABLE 1.—FINE GRID COUNTIES IN MISSOURI

Bollinger Co.
Butler Co.
Cape Girardeau Co.
Carter Co.
Clark Co.
Crawford Co.
Dent Co.
Dunklin Co.
Franklin Co.
Gasconade Co.
Iron Co.
Jefferson Co.
Lewis Co.
Lincoln Co.
Madison Co.
Marion Co.
Mississippi Co.
Montgomery Co.
New Madrid Co.
Oregon Co.
Pemiscot Co.
Perry Co.
Pike Co.
Ralls Co.
Reynolds Co.
Ripley Co.
St. Charles Co.
St. Genevieve Co.
St. Francois Co.
St. Louis Co.
St. Louis City
Scott Co.
Shannon Co.
Stoddard Co.
Warren Co.
Washington Co.
Wayne Co.

C. What Requirements Must Missouri Meet?

The NO_x SIP Call requires that states revise their SIPs to assure that sources in the state reduce their NO_x emissions sufficiently to eliminate the amounts of NO_x emissions that contribute significantly to ozone nonattainment, or that interfere with maintenance, downwind. After prohibiting these significant contributions of NO_x, the remaining amounts emitted by sources in the state will not "significantly contribute to nonattainment, or interfere with maintenance by," a downwind state under Clean Air Act (CAA) section 110(a)(2)(D)(i)(I), as determined under the NO_x SIP Call. To determine the "significant amount", we projected the total amount of NO_x emissions that large EGUs, large non-EGUs, large IC engines, and cement kilns in each covered state would emit, in light of expected growth, in 2007 taking into account other measures required under the CAA. We then projected the total amount of NO_x emissions that each of those states would emit in 2007 if each such state applied recommended highly cost-effective measures to these source categories. The difference between the two projections represents the "significant amount" of NO_x emissions that the State's SIP must prohibit under the NO_x SIP Call.¹ Missouri must demonstrate that its SIP includes sufficient measures to eliminate those emissions. The total amount of NO_x emissions from all NO_x sources remaining after the state prohibits the significant amount represents the emissions budget for the state.

The NO_x SIP Call provided states the flexibility to decide which source categories to regulate in order to meet the emissions budget. In order to provide assistance to the states, we suggested imposing a variety of control strategies that provide for a highly cost effective means for states to meet their NO_x emissions budgets. These strategies include imposing NO_x emissions caps and providing for an allowance trading program for large EGUs and large non-EGUs, as well as emission reduction requirements for cement kilns and large IC engines. EPA explained that, in order for a state to participate in the EPA-administered trading program, the state rule would have to include at least the "core" group of sources specified in the model trading rule, *i.e.*, large EGUs and

¹ For the fine grid portion of Missouri, the difference for large non-EGUs between projected emissions without highly cost effective reductions and projected emissions with highly cost effective reductions (as proposed in this action) is 88 tons (*i.e.*, 147 tons – 59 tons).

large non-EGUs. While a state could develop a trading program that did not include the core applicability provisions of the model trading rule, EPA would not administer such a trading program for the state. See 63 FR 57461.

D. What Is EPA's NO_x Budget Trading Program?

EPA's model NO_x budget trading rule for SIPs, 40 CFR Part 96, Subparts A through I, sets forth a NO_x allowance trading program for large EGUs and large non-EGUs. A state can voluntarily choose to adopt EPA's model rule in order to allow sources within its borders to participate in regional allowance trading as a way to achieve the required emission reductions. The October 27, 1998, **Federal Register** document contains a full description of the EPA's model NO_x budget trading program (See 63 FR 57514–57538 and 40 CFR part 96, subparts A through I). In general, allowance trading uses market forces to reduce the overall cost of compliance for pollution sources in the program, while maintaining emission reductions and environmental benefits. One type of market-based program is an emissions budget trading program, commonly referred to as a “cap and trade” program. A cap and trade program first sets an aggregate cap, or maximum limit, on emissions for all covered sources for a specified control period. Sources covered by the program then receive authorizations to emit in the form of emission allowances, with the total amount of allowances limited by the cap. Each source can design its own compliance strategy to meet the overall reduction requirement, including sale or purchase of allowances, installation of pollution controls, or implementation of efficiency measures, among other options. Individual control requirements are not specified under a cap and trade program, but each emissions source must surrender allowances equal to its actual emissions in order to comply. Sources must also completely and accurately measure and report all emissions in a timely manner to guarantee that the overall cap is not exceeded.

E. How Does the NO_x SIP Call Rule Relate to the Existing Statewide NO_x Rule?

The current statewide NO_x rule, as amended in the SIP on September 19, 2005 (70 FR 54840), is designed to achieve emissions reductions to improve the air quality in the St. Louis ozone nonattainment area. This rule requires emissions reductions in the eastern one-third of the state and lesser reductions in the remainder of the state

for large EGUs. While we approved this rule because it helped address the ozone nonattainment issue in St. Louis, we did not find that this rule addressed the significant transport of NO_x to other areas that we have identified in the NO_x SIP Call. The SIP-approved statewide NO_x rule achieves less emissions reductions and overall is less stringent than the requirements of the NO_x SIP Call. The additional rules and budget demonstration adopted by Missouri and being proposed for EPA approval today as a revision to the SIP are necessary to meet the additional requirements set forth by the NO_x SIP Call.

F. How Does the NO_x SIP Call Rule Relate to the Clean Air Interstate Rule?

Like the NO_x SIP Call, the Clean Air Interstate Rule (CAIR) rulemaking is based on the “good neighbor” provision of CAA 110(a)(2)(D), which requires states to develop SIP provisions assuring that emissions from their sources do not contribute significantly to downwind nonattainment, or interfere with maintenance, of the NAAQS (70 FR 25162). However, this rulemaking focuses exclusively on interstate transport of NO_x and its impact on downwind ozone nonattainment and addresses only NO_x SIP Call requirements. Also, the NO_x SIP Call only affects those counties lying in the eastern one-third of the state that are listed in Table 1. In contrast, the CAIR regulates NO_x and sulfur dioxide (SO₂), as precursors of PM_{2.5}, in addition to regulating NO_x as a precursor of ozone, and affects the entire state of Missouri. Due to the persistent nature of PM_{2.5} pollution throughout the entire year, the CAIR also differs from the NO_x SIP Call in that it contains an annual control period for NO_x and SO₂ in addition to an ozone season control period for NO_x. The rules also contain different compliance dates. For Missouri, the NO_x SIP Call compliance date is May 1, 2007, and for CAIR the first compliance date is January 1, 2009, for the NO_x ozone season program requirements, and January 1, 2010, for the CAIR SO₂ annual program requirements. It should also be noted that the CAIR NO_x ozone season trading program, while similar to the NO_x SIP Call trading program, is different and that Missouri would need to adopt the CAIR provisions to participate in that program.

II. Summary of State Submittal

A. When Did Missouri Develop and Submit the NO_x Emission Control Plan to EPA?

In response to the Federal NO_x SIP Call Rulemaking in October 1998, the Missouri Department of Natural Resources (MDNR) began the rulemaking process by drafting rules to meet the NO_x SIP Call reduction requirements. The MDNR subsequently abandoned its 18-month state rulemaking process when it was notified by EPA that, as a result of the *Michigan* decision, the state was not required to submit a SIP. The MDNR had to restart this process in April 2004 when the Phase II rule was published. The Missouri Air Conservation Commission adopted three rules and a NO_x budget demonstration on May 26, 2005, and June 30, 2005, respectively, after considering comments at public hearing. The rules were published in the state rules publication on October 13, 2005, and became effective on October 30, 2005.

The MDNR submitted the three separate rules, the budget demonstration and supporting documentation to EPA as a SIP package on August 2, 2005. A complete SIP package, with the necessary documentation, was submitted to EPA on November 3, 2005. On November 18, 2005, EPA sent a letter to MDNR deeming the Missouri SIP submittal technically and administratively complete.

B. What Are the Basic Components of the State's Plan?

The main components of Missouri's plan include three NO_x rules and a budget demonstration with supporting materials. The rules include: 10 CSR 10–6.360, pertaining to large EGUs and large fossil-fuel-fired industrial boilers (industrial boilers), 10 CSR 10–6.380 for cement kilns, and 10 CSR 10–6.390 for large stationary internal combustion engines. The purpose of these rules is to prohibit NO_x emissions as identified in the NO_x SIP Call that significantly contribute to downwind ozone nonattainment. In the NO_x SIP Call the required emissions reductions were determined based on the implementation of available, highly cost-effective controls for selected source categories. Therefore, Missouri has developed and adopted three rules generally covering the source categories (*i.e.*, large EGUs, large industrial boilers, cement kilns, and large stationary IC engines) for which EPA found that cost-

effective controls were available.² EPA has reviewed the three rules and has found that, in light of the discussion below concerning the applicability provisions of Missouri's trading rule, Missouri's rules will achieve the emission reduction requirements of the NO_x SIP Call and thus eliminate Missouri's significant contribution to downwind 8-hour ozone nonattainment. A more detailed description of each rule follows under II(C). The purpose of the budget demonstration is to provide an accounting mechanism for ensuring that Missouri has adopted control measures that prohibit the significant amounts of NO_x emissions targeted by CAA section 110(a)(2)(D)(i)(I). A more detailed discussion of the demonstration is provided below under II(D). As part of the supporting materials to the budget demonstration, Missouri also provided baseline test data from the cement kiln industry in support of its cement kiln rule.

C. What Do the Rules Require?

1. What Are the Requirements of the EGU and Non-EGU Rule?

Missouri adopted 10 CSR 10–6.360 “Control of NO_x Emissions from Electric Generating Units and Non-Electric Generating Boilers.” The rule effectively adopts the essential elements of EPA’s NO_x Budget Trading model rule set forth in the October 1998 **Federal Register** document and described in I(D) above for applicable sources found in the eastern one-third of the state covered by the NO_x SIP Call. The Missouri rule affects large EGUs (in general, fossil-fuel fired boilers, combustion turbines, and combined cycle systems that serve a generator with a nameplate capacity greater than 25 megawatts (MWe) producing electricity for sale) and large industrial boilers (generally, industrial fossil-fuel fired boilers with a maximum design heat input greater than 250 million British thermal units per hour (mmBtu/hr)).³

² Although in the NO_x SIP Call, EPA found generally that highly cost effective reductions were achievable at large industrial boilers, combustion turbines, and combined cycle systems, the fine grid portion of Missouri does not include existing large combustion turbines and combined cycle systems. The language of the applicability provisions for non-EGUs in Missouri’s trading rule expressly covers only large non-EGUs that are industrial boilers.

³ It should be noted that EPA interprets “nameplate capacity” to be the amount, specified by the manufacturer of the generator, as of initial installation and interprets “maximum design heat input” to be the amount, specified by the manufacturer of the unit, as of initial installation based on the physical design and physical characteristics of the equipment. Consequently, nameplate capacity and maximum design heat

The emissions cap on large EGUs for the eastern one-third of Missouri, as described in the Phase II notice, is set at 13,400 tons per ozone season, and was based on a baseline heat input (mmBtu/hr) and emissions rate of 0.15 NO_x lbs/mmBtu. The EGU emissions budget is equivalent to the number of allowances that the state has authority to distribute. One percent of this budget, 134 tons, has been included in an “energy efficiency and renewable generation projects set-aside.” The purpose of this set-aside is to provide an incentive to save or generate electricity through the implementation of projects that reduce the consumption of fossil-fuel. The rule contains a list of large EGUs and the number of remaining allowances that will be provided for each unit during the control periods beginning in the year 2007.

The level of reduction for large industrial boilers was based on emissions decreases from uncontrolled levels. In accordance with the NO_x SIP Call, Missouri based the number of NO_x allowances for each unit on a 60 percent reduction from each unit’s estimated 2007 levels of emissions, which were adjusted for projected growth for large industrial boilers. Missouri identified three existing units in the eastern one-third of the state as meeting the applicability requirement for large industrial boilers and, based on reductions from their uncontrolled emissions adjusted for projected growth, established 59 tons as the large industrial boiler portion of the trading budget. The rule specifically allocates allowances to these three large industrial boilers. The NO_x trading budget for Missouri is the sum of the large EGU budget (13,400) and the large industrial boiler budget (59) and totals 13,459 tons.

Under 10 CSR 10–6.360, Missouri allocates NO_x allowances to both its large EGUs and large industrial boilers. Each NO_x allowance permits a unit to emit one ton of NO_x during the ozone season control period. NO_x allowances may be bought or sold. Unused NO_x allowances may also be banked for future use, with certain limitations. Missouri’s rule requires each large EGU and large industrial boiler to hold allowances to cover its emissions after each control period. For each ton of NO_x emitted in a control period, EPA will remove one allowance from the unit’s NO_x Allowance Tracking System account after the end of the control period. Once the allowance has been

input are determined on a one-time basis and are not changed by subsequent modification of the generator or unit respectively.

used for compliance, no unit can use the allowance again. Monitoring requirements specify that owners and operators will be required to continuously monitor their NO_x emissions by using systems that meet the requirements of 40 CFR part 75, subpart H. The monitoring requirements also include quarterly emission reporting.

The compliance supplement pool (CSP) is a pool of allowances that can be used in the beginning of the program to provide certain NO_x Budget units additional compliance flexibility. The CSP was created to address concerns raised by commenters on the NO_x SIP Call proposal regarding electric reliability during the initial years of the program. Missouri may distribute its 5,630 ton allowance pool based on early reductions, a demonstrated need, or both. A unit making an application to the CSP based on early reductions must demonstrate that reductions were made beyond all applicable requirements sometime during the ozone seasons of 2002 through 2006. Missouri’s CSP may be used to account for emissions during the 2007 and 2008 control periods.

2. What Are the Requirements of the Cement Kiln Rule?

Missouri adopted 10 CSR 10–6.380, “Control of NO_x Emissions from Portland Cement Kilns.” The rule effectively adopts the NO_x SIP Call’s recommended approach of obtaining a 30 percent reduction from uncontrolled levels from large Portland cement kilns found in the NO_x SIP Call region of the eastern one-third of the state. The rule applies only to kilns with process rates of at least the following:

Long dry kilns—12 tons per hour (TPH).

Long wet kilns—10 TPH.

Preheater kilns—16 TPH.

Precalciner and preheater/precincer kilns—22 TPH.

In the NO_x SIP Call, EPA cited its peer reviewed analysis, “EPA’s Alternative Control Techniques (ACT)” (EPA-453/R-94-004, March 1994) as demonstrating that cost-effective controls in the form of low-NO_x burners and mid-kiln firing are available to the cement kiln industry and can achieve a 30 percent reduction from uncontrolled levels of emissions. Consistent with EPA’s approach in the NO_x SIP Call, Missouri’s rule provides that compliance can be achieved by the installation and operation of low-NO_x burners or mid-kiln firing or by alternative measures that are all designed to achieve the 30 percent cost-effective reduction.

3. What Are the Requirements of the Large Stationary Internal Combustion Rule?

Missouri adopted 10 CSR 10–6.390, “Control of NO_x Emissions from Large Stationary Internal Combustion Engines.” The rule effectively adopts the NO_x SIP Call’s recommended approach of the establishment of emissions levels that obtain an 82 percent reduction from large natural gas-fired stationary IC engines and a 90 percent reduction from large diesel and dual fuel stationary IC engines found in the NO_x SIP Call region of the eastern third of the state. Missouri determined that there are no eligible units that meet the applicability criteria of “large” by being rated equal to or greater than the applicable brake horsepower and emitting more than one ton per day of NO_x. This finding differed from the initial inventory review that EPA conducted that identified one eligible unit. A more detailed discussion of this and other proposed changes to the inventory is provided under II(D)(2), “What changes did the State request to the NO_x budget and are those changes approvable?”.

D. How Does Missouri Address Its NO_x SIP Call Budget?

1. What NO_x Budget Did EPA Determine for the State?

Missouri’s budget for the NO_x SIP Call was contained in the Phase II rulemaking in April 2004. The purpose of providing a budget was to offer the states a choice of which mix of measures to adopt in order to meet the aggregate amount of required NO_x emissions reduction identified by EPA as being available for removal by highly cost-effective measures. EPA based all state budgets on its determination of which measures are highly cost-effective for upwind states to implement. However, the states have flexibility to control other source categories outside of EPA’s recommended approach of controlling large EGUs, large non-EGUs, cement kilns, and large IC engines that were utilized to determine the size of the 2007 ozone-season budgets. Based on EPA’s approach the NO_x SIP Call 2007 budget for the eastern one-third of Missouri is 61,406 tons per ozone season and represents the sum of EGU, Non-EGU Point, Area, Off-Road and Mobile source emissions.

2. What Changes Did the State Request to the NO_x Budget and Are Those Changes Approvable?

The State has proposed changes to the inventory that affect the budget demonstration. In its demonstration the

state provides documentation that due to errors in the NO_x SIP Call emissions inventory, EPA inadvertently misidentified applicable units that led to a miscalculation in the final emissions budget. EPA is proposing to approve the necessary changes to correct the inventory and to provide clarification on which sources are affected. All modifications to the inventory and supporting information are provided for by Missouri as part of its budget demonstration document found in the docket for this rulemaking.

The category of large industrial boilers has a number of corrections. In EPA’s inventory two units were incorrectly classified as industrial boilers, and three units were wrongly identified as having a maximum design heat input exceeding 250 mmBtu/hr. Doe Run-Buick Resource Recovery Center (emission point 36) and River Cement Company (emission point 94) are process heating devices, and EPA agrees that they do not meet the criteria of the source type that EPA considered when identifying highly cost-effective controls for non-EGUs (including industrial boilers). Boilers at Ashley Street Station units 2 through 4 do not meet the size requirement of having a maximum design heat input exceeding 250 mmBtu/hr. These units have a maximum design heat input, as reported to the MDNR by the St. Louis Local Agency, of 108, 101, and 101 mmBtu/hr., respectively. Therefore, these units are not subject to the state’s large industrial boiler rule described previously in this document. The large industrial boiler portion of Missouri’s trading budget has been reduced to reflect the exclusion of these units from the category of large industrial boilers.⁴

Missouri has requested and EPA proposes to approve modifications to the cement kiln inventory. One of these modifications includes the addition of Lone Star Industries, Inc., now referred to as Buzzi Unicem Cape. This facility was in operation during the 1995 and 1996 time frame and meets the applicability requirements of the state’s rule. Also, EPA proposes to approve the state’s request to remove emission point 30 at Continental Cement Company from the list of controlled units. EPA

⁴ In addition, Missouri believes that the projected uncontrolled emissions for large EGUs (including large industrial boilers) in the fine grid portion of the state, and thus the projected controlled emissions for such units, are lower than the amounts originally stated by EPA in the NO_x SIP Call. Missouri requests that the lower amounts be used. Under these circumstances, EPA proposes that these lower amounts be used and that the large non-EGU portion of the trading budget be 59 tons, rather than the larger amount originally stated by EPA.

inadvertently included emission point 30 as a cement kiln. Continental Cement Company only has one kiln at this facility, and that kiln is correctly reported as emission point 32. For budget demonstration purposes, Missouri continues to include emission point 30 in the inventory as an uncontrolled unit. The state also has requested and EPA proposes to approve the modification of the base year emissions that were used to derive the 2007 budgeted emissions for the cement kiln class. This modification is necessary in order to correctly reflect a level of uncontrolled emissions in the base year inventory that were used to determine the reduction targets in 2007. The final EPA base year inventory contained actual emissions that were representative of controlled emissions for each kiln. Therefore, after applying growth estimates, the resulting application of a 30 percent cost-effective reduction created an overly strict emissions budget for the cement kiln class. In order to make the necessary correction, the state has submitted and EPA proposes to accept the use of the stack test data, throughput information, and related emissions calculations supplied by each individual kiln that were used to calculate the uncontrolled cement kiln emissions for 2007 provided for in the state’s revised budget.

Missouri has requested and EPA proposes to approve a correction to a unit (emission point 002) that was misidentified as a large IC engine in the EPA inventory. In the NO_x SIP Call, EPA attempted to identify large IC units as those that emitted on average greater than one ton per ozone season day. EPA identified DePaul Health Center in St. Louis as a large source based on data in the EPA inventory that indicated emissions of 335 tons per ozone season in the year 1995. However, emissions inventory information provided by the state shows that the actual emissions in 1995 from this unit were less than one ton per ozone season. This facility has not emitted more than 25 tons of NO_x in any year from 1994 to 2004. Because this unit emits less than one ton per ozone season day, EPA agrees that this source should be reclassified from an affected large source to a non-affected source in the inventory and that this source is not subject to the state’s IC engine rule.

3. How Does Missouri Demonstrate That It Is Meeting the Budget?

As explained above and in more detail in the NO_x SIP Call, the NO_x SIP Call requires that states revise their SIPs to assure that sources in the state reduce

their NO_x emissions sufficiently to eliminate the amounts of NO_x emissions that contribute significantly to ozone nonattainment, or that interfere with maintenance, downwind. The amount of NO_x emissions reductions required is the amount of emissions reductions that would be achieved by applying available, highly cost-effective controls to large EGUs, large non-EGUs, large stationary IC engines, and cement kilns. However, EPA structured the rule to give the upwind states a choice of which mix of measures to adopt in order to eliminate the significant amount of NO_x emissions. To this end, EPA developed an emissions budget that was based on the aforementioned application of highly cost-effective controls. The emissions budget represents the amount of NO_x emissions

remaining after the state prohibits the significant amount. To demonstrate compliance with the NO_x SIP Call, a state must adopt and implement control measures that are projected to achieve the emissions reductions that would be equal to or greater than those predicted to be achieved by EPA's recommended approach.

Missouri has provided a full budget demonstration that accounts for all of the inventory modifications EPA proposes to approve today. All of the necessary changes described above led to a change in the overall emissions budget. The new budget represents the predicted emissions in 2007 that are reflective of the state's adoption of cost-effective measures recommended by EPA. EPA proposes to accept a new budget of 60,235 tons of NO_x per ozone

season for the NO_x SIP Call affected area of the eastern one-third of Missouri. Table II provides a breakdown of each NO_x category after all corrections have been made.

With the exception of the trading portion of the budget that includes large EGUs and large non-EGUs, the remainder of the source categories are not required to remain within the mass emission caps described herein. Rather, the NO_x SIP Call budgets are an accounting mechanism for ensuring that the upwind states have adopted and implemented control measures that prohibit the significant amount of NO_x emissions targeted under CAA 110(a)(2)(D)(i)(I) as implemented by the NO_x SIP Call.

TABLE II.—CORRECTED NO_x BUDGET FOR MISSOURI

Source category	2007 budget emissions (tpos)
Large EGUs (>25 MW)	13,400
Other EGUs ⁵	241
Other non-EGUs	5,903
Large non-EGUs (including large industrial boilers) (>250 MMBtu)	59
Cement Kilns	7,483
Area	2,199
On-Road Mobile	21,318
Off-Road Mobile	9,632
Total	60,235

As elaborated below with regard to large EGUs and large non-EGUs, EPA believes that Missouri has demonstrated compliance with the budget demonstration, and thus the NO_x SIP Call, by adopting control measures that are modeled after EPA's recommended approach for controlling large EGUs, large non-EGUs, large IC engines, and cement kilns, and that implementation of these rules will achieve the emissions reductions necessary to eliminate the "significant contribution" to downwind ozone nonattainment identified under CAA 110(a)(2)(D)(i)(I) as implemented by the NO_x SIP Call.

As discussed above, under EPA's model trading program for large EGUs and large non-EGUs, the size criteria for determining the applicability of the trading program are based on a generator's "nameplate capacity" for EGUs and a unit's "maximum design heat input" for non-EGUs (such as

industrial boilers), which parameters are determined on a one-time basis as of initial installation by the manufacturer.

The owner of one of the large industrial boilers has informally, apart from this rulemaking, raised an issue with respect to whether sources could be "derated" by physically restricting heat input, in order to be exempt from the Missouri rule as it relates to that source category. For the reasons stated above, and because this source category is included in the budget demonstration, EPA does not believe that sources may be "derated" to avoid applicability of the rule. Exempting large industrial boilers from the rule would require a revision to the rule and a revision to the budget demonstration. If large non-EGUs (e.g., large industrial boilers) were able to "derate" themselves out of the trading program and did so, then the Missouri state plan would not be achieving emissions reductions from the "derating" units and would have to instead get, from other NO_x sources in the fine grid portion of the state, the reductions projected to be achieved by these units.

EPA also notes the NO_x SIP Call requires that, to the extent a state chooses to participate in the NO_x Budget Trading Program administered by EPA, the applicability provisions of the state's trading rule must cover at least the "core" source categories set forth in the applicability provisions of the model trading rule, *i.e.*, large EGUs and large non-EGUs. Missouri's trading rule does not expressly cover the entire category of large non-EGUs and instead addresses only large industrial boilers, which are the only existing large non-EGUs in the state. In order for Missouri to participate in the EPA-administered trading program, the applicability provisions of Missouri's rule should apply to all large non-EGUs, and not just large industrial boilers.

For several reasons, EPA is proposing to approve Missouri's rule despite the omission. First, Missouri recognizes this deficiency and has informed EPA that the state intended that the trading rule cover all large non-EGUs and will act to ensure that this intent is realized. Missouri stated that, while there are no existing large industrial combustion turbines or large industrial combined

⁵ The summary table in Missouri's budget demonstration excluded the emissions figure for small EGUs, which was included in Missouri's supporting documentation. EPA proposes to include this figure and to make a parallel increase in the total budget figure for Missouri.

cycle systems in Missouri, it will revise the applicability of its trading rule to cover explicitly all large non-EGUs. Missouri also stated that in the meantime the state will ensure, through its permitting process, that any future large fossil-fuel-fired industrial combustion turbines and large fossil-fuel-fired industrial combined cycle systems will be subject to the requirements of Missouri's trading rule.

Second, EPA also considered that Missouri's program will end after the 2008 ozone season because the CAIR provides that, when EPA begins to administer the CAIR NO_x ozone season trading program in 2009, EPA will no longer administer the NO_x Budget Trading Program. Because of the lead time necessary to permit and construct a new large industrial combustion turbine or combined cycle system, EPA believes that it is unlikely that there will be any such new units before 2009. Under these circumstances and in light of Missouri's statements, EPA is proposing to approve Missouri's rule.

Finally, EPA notes that, after EPA stops administering the NO_x Budget Trading Program, Missouri will need to revise its SIP to demonstrate that it is adopting control measures that will achieve the reductions attributed in Missouri's current trading rule to large industrial boilers (or in a revised Missouri trading rule to large non-EGUs). Under CAIR and the CAIR Federal Implementation Plan (FIP), one available option will be for Missouri to include, in the CAIR NO_x ozone season trading program, all large non-EGUs covered by the trading program under the NO_x SIP Call. If Missouri takes this option of expanding the applicability of the CAIR NO_x ozone season trading program to include any large non-EGUs in the fine grid portion of Missouri, EPA expects that Missouri will include in the CAIR program all existing and new large non-EGUs (not just existing and new large industrial boilers) in that portion of the state. This will have the practical effect of ensuring that any new large industrial combustion turbines and combined cycle systems in the fine grid portion of Missouri will be subject to Missouri's large non-EGU cap consistent with the NO_x SIP Call. In addition, if Missouri chooses not to take this option for achieving the NO_x SIP Call emission reductions currently attributed to large industrial boilers, EPA expects that Missouri will adopt other control measures that will achieve these reductions consistent with NO_x SIP Call requirements.

E. What Guidance Did EPA Use To Evaluate Missouri's NO_x Control Program?

EPA evaluated Missouri's NO_x SIP Call submittal using the documents in EPA's "NO_x SIP Call Checklist" (the checklist), issued on April 9, 1999. The checklist reflects the requirements of the NO_x SIP Call set forth in 40 CFR 51.121 and 51.122. The checklist outlines the criteria for determining the completeness and approvability of Missouri's submittal.

As noted in the checklist, the key elements of an approvable submittal under the NO_x SIP Call are: A budget demonstration; enforceable measures for control; legal authority to implement and enforce the control measures; compliance dates and schedules; monitoring, recordkeeping, and emissions reporting; and elements that apply to states that choose to adopt an emissions trading rule in response to the NO_x SIP Call. The checklist can be found in the docket.

As described above, the final NO_x SIP Call rule included a model trading program (See 40 CFR part 96). EPA used the model rule to evaluate rule 10 CSR 10–6.360. Additionally, EPA used the October 1998 final NO_x SIP Call rulemaking notice and subsequent technical amendments, the October 1998 proposed Federal Implementation Plan, and the Phase II NO_x SIP Call rulemaking notice of April 2004 to evaluate the state's submittal.

The state submittal has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submittal also satisfied the completeness criteria of 40 CFR part 51, appendix V. In addition, EPA believes that the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

III. Proposed Action

EPA has reviewed Missouri's November 3, 2005, SIP submittal using the NO_x SIP Call rulemaking notices and checklist. EPA has reviewed Missouri's control measures and projected reductions and believes they are approvable. Therefore, EPA is proposing to approve Missouri's rules 10 CSR 10–6.360, 10 CSR 10–6.380, 10 CSR 10–6.390 and Missouri's budget demonstration and SIP narrative at this time. EPA's proposed approval is premised on Missouri's commitment to include any large industrial combustion turbines and large industrial combined cycle systems in the Missouri trading rule.

IV. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this proposed action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). This proposed action merely proposes to approve state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule proposes to approve pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

This proposed rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely proposes to approve a state rule implementing a Federal standard and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This proposed rule also is not subject to Executive Order 13045 "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997) because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the

absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This proposed rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: May 23, 2006.

Betty J. Berry,

Acting Regional Administrator, Region 7.
[FR Doc. E6-8661 Filed 6-2-06; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

49 CFR Part 655

[Docket No. FTA-2006-24592]

RIN 2132-AA86

Controlled Substances and Alcohol Misuse Testing

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Transit Administration (FTA) proposes to eliminate duplicative requirements for safety-sensitive employees of some public (mass) transportation systems, who are subject to the alcohol and controlled substances (D&A) testing requirements of both FTA and the United States Coast Guard (USCG), or FTA and the Federal Motor Carriers Safety Administration (FMCSA). Recipients could concurrently comply with FTA's D&A testing program as they comply with the testing requirements of the USCG or FMCSA. However, FTA's post-accident and reasonable suspicion testing requirements would continue to apply when accidents occur while

performing public (mass) transportation activities.

DATES: Comments must be received on or before August 4, 2006. Late filed comments will be considered to the extent practicable.

ADDRESSES: *Written Comments:* Submit written comments to the Docket Management System, U.S. Department of Transportation, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001. You may submit comments identified by the docket number (FTA-2006-24592) by any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- Web Site: <http://dms.dot.gov>. Follow the instructions for submitting comments on the DOT electronic docket site.

- Fax: 1-202-493-2478.
- Hand Delivery: To the Docket Management System, Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the agency name and docket number or Regulatory Identification Number (RIN) for this notice. Note that all comments received will be posted without change to <http://dms.dot.gov>, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: For program issues, Gerald Powers, Office of Safety and Security, (202) 366-1080 (telephone); (202) 366-7951 (fax); or Gerald.Powers@dot.gov (e-mail). For legal issues, Bruce Walker, Office of the Chief Counsel, (202) 366-4011 (telephone); (202) 366-3809 (fax); or Bruce.Walker@dot.gov (e-mail).

SUPPLEMENTARY INFORMATION:

I. Background

Authority for This Proposal

Section 3030 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: a Legacy for Users (SAFETEA-LU) (Pub. L. 109-59, August 10, 2005), provides the Secretary of the Department of Transportation (DOT) discretion to determine whether a public transportation provider is adequately covered for drug and alcohol (D&A) testing purposes, by the D&A alcohol testing requirements of the USCG or another DOT agency.

Previous Action by FMCSA and FTA

FMCSA published a **Federal Register** notice on August 17, 2001 which eliminated duplicative D&A testing

requirements for holders of Commercial Drivers Licenses (CDLs) who provide public transportation services. These motor carrier operators are subject to FMCSA regulations; however, because they receive Federal funding for public transportation activities, they are also subject to FTA's D&A regulation. FMCSA stated that its testing requirements do not apply to transit employers who are required to comply with FTA testing requirements (*see* 49 CFR 382.103(d)). However, FMCSA made a policy determination that CDL holders would remain subject to its rule for specific violations; hence, the potential for duplicative oversight may continue to exist.

Subsequently, FTA undertook administrative steps to eliminate duplicative testing requirements for ferry operators by revising its policy for these operators with its **Federal Register** notice dated April 22, 2002. Before the notice, ferry operators receiving Federal transit funds were required to comply with the testing requirements of both FTA and USCG.

FTA consulted with the USCG and both agencies agreed that ferries were primarily regulated by the USCG. FTA determined that for safety purposes, it was sufficient for these operators to comply with USCG's D&A testing requirements. However, because the USCG does not require random alcohol testing, it was determined the operators would remain subject to FTA's random alcohol testing requirements.

FTA now proposes to adopt a regulatory provision that parallels FMCSA's rule for motor carrier operators who receive Federal transit funding and to codify its previously published policy guidance for ferry operators. FTA seeks comments on this proposed rule which would allow safety-sensitive employers to concurrently comply with FTA testing requirements when they comply with FMCSA or USCG D&A requirements.

II. Overview and General Discussion of the Proposed Rule

A. This notice of proposed rulemaking (NPRM) would provide regulatory relief to public transportation providers by eliminating duplicative testing requirements. The NPRM proposes to amend the applicability section of the FTA's D&A regulation at 49 CFR 655.3 by revising the introductory text of paragraph (a) and adding new paragraphs (c), (d), and (e).

Specifically, FTA proposes that a private or nonprofit motor-carrier employer, with employees who perform safety-sensitive functions regulated by both FTA and FMCSA, may determine

whether or not a majority (more than 50 percent) of these employees are regulated by FMSCA. If so, the employer may opt to comply with the FMSCA testing requirements only for that class of employees. However, for safety purposes, FTA's post-accident requirements, section 655.44, would apply when an accident, as defined in section 655.4 occurs in the performance of public (mass) transportation activities.

In exercising this option, an employer would also have discretion in determining the timeframe and the manner in which the employees' safety-sensitive functions are apportioned (i.e., daily, monthly, or annually). For audit purposes this determination would be made annually, at the beginning of the calendar year, and remain applicable throughout that calendar year.

We note that FMSCA testing regulations do not apply to transit maintenance employees. Therefore, maintenance workers servicing transit vehicles would remain subject to 49 CFR part 655.

B. The USCG has primary oversight over maritime operations, including ferryboats, whereas FTA's regulatory oversight stems from the fact that it provides Federal transit funding to a limited number of ferry operations. Therefore, FTA proposes as ferry operators comply with the D&A testing requirements of the USCG, they be deemed in concurrent compliance with FTA's D&A regulation.

USCG and FTA testing requirements are substantially similar. FTA believes that the USCG regulatory scheme sufficiently addresses transit safety concerns; therefore, it would be prudent for ferry operators to comply with only one set of Federal testing requirements. However, since USCG regulations do not require random alcohol testing, for safety purposes, ferry operators would remain subject to FTA's random alcohol testing requirements at 49 CFR 655.45.

FTA remains responsible for ensuring compliance for recipients of public (mass) transportation. Therefore, to facilitate oversight, the administrative requirements of subpart G, H, and I of 49 CFR part 655 would continue to apply to ferry operators and motor carrier operators receiving Federal public (mass) transportation funds.

E.O. 12866, Regulatory Planning and Review

Under Executive Order 12866, 58 FR 51735, October 4, 1993, the Department of Transportation (DOT) must examine whether this proposed rule is a "significant regulatory action." A significant regulatory action is subject to

Office of Management and Budget (OMB) review and the requirements of the Executive Order. The Executive Order defines "significant regulatory action" as one that is likely to result in a rule that may: (1) Have an annual effect on the economy of \$120 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) creates a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

This proposed rule provides administrative relief from current regulatory alcohol misuse and controlled substance testing requirements for public transportation providers; therefore, FTA believes this proposed rule is a nonsignificant regulatory action under section 3(f) of Executive Order 12866. Accordingly, it has not been reviewed by the Office of Management and Budget.

This proposed rule is not expected to impose any new compliance costs. The only entities affected by this proposed rule are those public transportation providers that are currently subject to the alcohol misuse and controlled substance testing regimen. These requirements, if adopted will relieve these entities of duplicative Federal testing requirements. There would be no significant changes to the existing program with the publication of this rulemaking. Further, this discretionary rulemaking is provided for under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (Pub. L. 109-59, August 10, 2005).

Regulatory Flexibility Act

Section 603 of the Regulatory Flexibility Act requires a Federal agency to conduct an initial regulatory flexibility analysis describing impacts to small entities when developing a Notice of Proposed Rulemaking in accordance with 5 U.S.C. 553. Currently, approximately 3000 employers are subject to FTA D&A testing requirements. Of this number, a small percentage is also subject to the D&A testing requirements of FMSCA or the USCG. This proposed rule would have the effect of eliminating the

administrative burden on those few employers who are subject to multiple testing requirements by permitting them to comply with the testing requirements of only one Federal agency. The lessening of this administrative burden on these affected entities will result in no significant economic impact to these employers.

This proposed rule will not impose any additional costs on small entities that are subject to alcohol misuse and controlled substance testing requirements. As noted above, certain public transportation providers who may be subject to the testing requirements of more than one DOT agency or the USCG will be provided statutory relief by complying with the testing requirements of only one Federal agency. FTA certifies that no further analysis is necessary because the proposed rule will not have a significant economic impact on a substantial number of small entities. FTA invites public comment on this analysis.

Paperwork Reduction Act

This proposed rule does not contain a collection of information that is subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520). Under the provisions of the Paperwork Reduction Act, FTA may not conduct or sponsor, and a person is not required to respond to or may not be penalized for failing to comply with, a collection of information unless it displays a currently valid OMB control number.

Executive Order 13132, Federalism

Executive Order 13132 sets forth principles and criteria that agencies must adhere to in formulating and implementing policies that have Federalism implications, that is, regulations that have substantial direct effects on the States, or on the distribution of power and responsibilities among the various levels of government. Federal agencies must closely examine the statutory authority supporting any action that would limit the policymaking discretion of the States, and to the extent practicable, must consult with State and local officials before implementing any such action.

FTA has reviewed this proposed rule under the threshold criteria of Executive Order 13132 on Federalism and certifies that the rule would not have Federalism implications as defined by the Executive Order. The rule provides for relief from duplicative Federal alcohol misuse and controlled substance testing requirements for certain public transportation providers. The rule would not significantly affect the rights,

roles, and responsibilities of States, and would involve no preemption of State law, nor would it limit State policymaking discretion.

Unfunded Mandates Reform Act

The proposed rule would not be an unfunded Federal mandate within the meaning of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1501 et seq., and any enforceable duties that FTA would impose are a condition of Federal assistance or a duty arising from participation in a voluntary Federal program.

List of Subjects in 49 CFR Part 655

Alcohol testing, Drug testing, Grant programs—Transportation, Mass transportation, Reporting and recordkeeping requirements, Safety, transit, and transportation.

For the reasons set forth in the preamble, the Federal Transit Administration proposes to amend part 655 of title 49 of the Code of Federal Regulations as follows:

PART 655—PREVENTION OF ALCOHOL MISUSE AND PROHIBITED DRUG USE IN TRANSIT OPERATIONS

1. The authority citation for part 655 continues to read as follows:

Authority: 49 U.S.C. 5331 (as amended); 49 CFR 1.51.

2. Amend § 655.3 to revise the introductory text of paragraph (a) and to add paragraphs (c), (d) and (e) to read as follows:

§ 655.3 Applicability.

(a) Except as specifically excluded in paragraphs (b), (c), and (d) of this section, this part applies to:

* * * * *

(b) * * *

(c) A recipient operating a ferry regulated by the United States Coast Guard (USCG) and receiving Federal funding for public (mass) transportation activities shall follow 46 CFR parts 4 and 16, 33 CFR part 95. However, section 655.45 of this part is applicable for random alcohol testing.

(d) A private or nonprofit employer with safety-sensitive employees, per both this part and 49 CFR part 382, may annually determine whether or not a majority (more than 50 percent) of these employees are regulated by part 382. If so, the employer may comply with the drug and alcohol testing requirements of part 382 for that calendar year. However, reasonable suspicion and post-accident testing per this part (§§ 655.43 and 655.44) remain

applicable for operators when performing public (mass) transportation activities. In addition, the provisions of this part remain applicable for those safety-sensitive employees who perform maintenance on vehicles or equipment used for public (mass) transportation service.

(e) A recipient's failure to comply with the alcohol misuse and controlled substances testing requirements of the USCG or the Federal Motor Carrier Safety Administration, as described in paragraphs (c) and (d) above, may result in a finding of noncompliance by FTA.

(1) A finding of noncompliance may cause a recipient to become ineligible for Federal public transportation funding.

(2) Subpart G of this part is applicable to a covered employee: (i) With a verified positive drug test result, (ii) who has a confirmed alcohol test result of 0.04 or greater, or (iii) who refuses to submit to a test.

(3) Recipients remain subject to subparts H and I of this part.

Issued on: May 30, 2006.

Sandra K. Bushue,

Deputy Administrator.

[FR Doc. 06-5073 Filed 6-2-06; 8:45 am]

BILLING CODE 4910-57-M

Notices

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This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Comment Request: Procurement Requirements for the National School Lunch, School Breakfast and Special Milk Programs

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on proposed information collections. The proposed collection is a new collection of information.

DATES: Written comments must be submitted on or before August 4, 2006.

ADDRESSES: Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the

information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments may be sent to Melissa Rothstein, Chief, Program Analysis and Monitoring Branch, Food and Nutrition Service, Department of Agriculture, 3101 Park Center Drive, Room 640, Alexandria, Virginia 22302-1594.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will be a matter of public record.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be directed to Lynn Rodgers at the above address or by telephone at 703-305-2590.

SUPPLEMENTARY INFORMATION:

Title: Procurement Requirements for the National School Lunch, School Breakfast and Special Milk Programs.

OMB Number: 0584-NEW.

Expiration Date: Not yet determined.

Type of Request: New collection.

Abstract: On December 30, 2004, FNS published a proposed rule at 69 FR

78340 seeking to amend 7 CFR parts 210, 215, and 220, to revise the National School Lunch, School Breakfast, and Special Milk Programs, respectively, regarding the use of Federal funds for the provision of meals and milk for school children under these programs.

This rule would prohibit a school food authority from using funds in the nonprofit school food service account for expenditures made under an improperly procured contract, including any cost reimbursable provision of a contract that permits the contractor to receive payments in excess of the contractor's actual net allowable costs. State agencies would also be responsible for reviewing and approving contracts between school food authorities and food service management companies prior to their execution.

This change will ensure optimum utilization of funds in the nonprofit school food service account. The burden associated with the procurement requirements will only affect schools participating in the National School Lunch or School Breakfast Programs that contract with food service management companies. The burden associated with schools participating in the Special Milk Program would be minimal because milk is often the sole procured item and the procurement is generally handled at the school food authority level. Therefore, this burden is also carried in the National School Lunch Program.

ESTIMATED ANNUAL RECORDKEEPING AND REPORTING BURDEN

	Section	Annual number of respondents	Number responses per respondent	Hours per response	Total burden
National School Lunch Program State agency review and approve procurements between school food authority and contractor.	7 CFR	57	22	0.167	209
Total existing State	210.19(a).				
Total proposed State agencies	7 CFR 210.19(a)	57	30	.4	684
School food authority provide procurement materials to State agency for approval:					
Total existing school food authorities .....	.....	1,648	1	.25	412
Total proposed school food authorities .....	.....	1,648	1	1.5	2,472

Affected Public: State, Local, or Tribal Government, Individuals or household, Business or other for-profit, Not-for-profit institutions, and Federal government.

Estimated Number of Respondents: 1,648.

Number of responses per respondent: 1.

Estimated total annual responses: 1,648.

Hours per response: 1.5.

Number of recordkeepers: 57.

Estimated annual hours per recordkeeper: 0.40.

Total recordkeeping hours: 684.
Total reporting hours: 2,472.

Total Annual Burden: 3,156 hours.

Dated: May 25, 2006.

Roberto Salazar,

Administrator, Food and Nutrition Service.

[FR Doc. E6-8655 Filed 6-2-06; 8:45 am]

BILLING CODE 3410-30-P

DEPARTMENT OF AGRICULTURE

Forest Service

Information Collection; Request for Comment; Homeowner Risk Reduction Behaviors Concerning Wildfire Risks

AGENCY: Forest Service, USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Forest Service is seeking comments from all interested individuals and organizations on a new, one-time information collection, Homeowner Risk Reduction Behaviors Concerning Wildfire Risks. The information will be collected from homeowner groups, such as homeowners associations, that have been affected by wildfires.

DATES: Comments must be received in writing on or before August 4, 2006 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Comments concerning this notice should be addressed to Dr. Brian Kent, Project Leader, Rocky Mountain Research Station, Forest Service, USDA, 2150 Centre Avenue, Building A, Fort Collins, CO 80526.

Comments also may be submitted via facsimile to (970) 295-5959 or by e-mail to bkent@fs.fed.us.

The public may inspect comments received at the Rocky Mountain Research Station, Forest Service, USDA, 2150 Centre Avenue, Building A, Fort Collins, Colorado, during normal business hours. Visitors are encouraged to call ahead to (970) 295-5955 to facilitate entry to the building.

FOR FURTHER INFORMATION CONTACT: Dr. Brian Kent, Rocky Mountain Research Station, at (970) 295-5955. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Relay Service (FRS) at 1-800-877-8339 twenty-four hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION:

Title: Homeowner Risk Reduction Behaviors Concerning Wildfire Risks.

OMB Number: 0596-New.

Expiration Date of Approval: N/A.

Type of Request: New.

Abstract: The threat of wildfire to residents located in areas next to

forested public lands has increased significantly during the last decade. As homeowners migrate to areas that are at increased risk from wildfire, they face important decisions regarding how much risk to accept from various sources. An important component of making decisions regarding risk is to understand the behaviors that are effective at reducing the risk and the information sources that are considered reliable for risk reduction information. To gain a better insight into homeowners' perceptions of wildfire risk, behaviors that reduce wildfire risk, and most effective methods of communicating the risk of wildfire, it is important to collect information directly from the homeowners that are at risk. The results of the collection will provide important information for public land managers and private homeowners that will improve the understanding of the issues and options between both groups.

Homeowners located in the wildland-urban interface in areas that were affected by wildfires, will be asked to return surveys. The homeowners are members of organized homeowners associations and their participation is voluntary. The survey will be presented to three focus groups, each comprised of seven Homeowner Association members; after which, the survey will be mailed to homeowners by Integrated Resource Solutions in Boulder, Colorado, operating under a Research Joint Venture with the Forest Service Rocky Mountain Research Station in Fort Collins, Colorado.

The type of information collection will include: (1) Risk perceptions regarding wildfire, (2) risk reduction behaviors associated with wildfire, (3) sources of information regarding wildfires and wildfire risk reduction, and (4) socio-economic information.

The data collected will be analyzed by Forest Service researchers at the Rocky Mountain Research Station and the following cooperators: Drs. Ingrid and Wade Martin of California State University of Long Beach, Long Beach, California, and Dr. Holly Bender of Integrated Resource Solutions, Boulder, Colorado. The results will be made available to Forest Service land managers, the respondents, and other interested parties.

This information will enhance the ability of Forest Service land managers on National Forests to understand public preferences regarding the management of wildfire risk. Without this type of information, Forest Service land managers and the public will continue to interact on the issues of wildfire risk without a broad-based

understanding of the factors that lessen wildfire risk, factors that are important to homeowners.

Estimate of Annual Burden: 20 minutes for homeowners; 1 hour for each focus group member.

Type of Respondents: Homeowners located in the wildland-urban interface in the western United States.

Estimated Annual Number of Respondents: 1,500 homeowners; 21 Homeowner Association focus group participants.

Estimated Annual Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 500 hours—homeowners; 21 hours Homeowner Association focus group members.

Comment Is Invited

Comment is invited on: (1) Whether this collection of information is necessary for the stated purposes and the proper performance of the functions of the agency, including whether the information will have practical or scientific utility; (2) the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the request for Office of Management and Budget approval.

Dated: May 26, 2006.

Jimmy L. Reaves,

Associate Deputy Chief, Research and Development.

[FR Doc. E6-8641 Filed 6-2-06; 8:45 am]

BILLING CODE 3410-11-P

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Choccolocco Creek Multipurpose Dam No. 11, Calhoun County, AL

AGENCY: Natural Resources Conservation Service, USDA.

ACTION: Notice of availability of a finding of no significant impact.

SUMMARY: Pursuant to Section 102[2][c] of the National Environmental Policy Act of 1969, the Council on Environmental Quality Regulations [40 CFR part 1500]; and the Natural Resources Conservation Service Regulations [7 CFR part 650]; the Natural Resources Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Choccolocco Creek Multipurpose Dam No. 11, Calhoun County, Alabama.

FOR FURTHER INFORMATION CONTACT: Ken Aycock, Hydraulic Engineer, USDA Natural Resources Conservation Service, 3381 Skyway Drive, Auburn, Alabama 36830, Telephone [334] 887-4525, e-mail ken.aycock@al.usda.gov.

SUPPLEMENTARY INFORMATION: The Environmental Assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Gary Kobylski, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project purpose is continued municipal water supply and flood prevention. The planned works of improvement include upgrading an existing municipal water supply, flood-prevention dam.

The Notice of a Finding of No Significant Impact [FONSI] has been forwarded to the U.S. Environmental Protection Agency and to various Federal, state, and local agencies and interest parties. A limited number of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Ken Aycock at the above number.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

Signed in Auburn, Alabama, on May 22, 2006.

Gary Kobylski,

State Conservationist.

[This activity is listed in the Catalog of Federal Domestic Assistance under 10.904, Watershed Protection and Flood Prevention, and is subject to the provisions of Executive Order 12372, which requires inter-government consultation with State and local officials].

Finding of No Significant Impact for Choccolocco Creek Watershed Multipurpose Dam No. 11, Calhoun County, Alabama

May 22, 2006.

Introduction

The Choccolocco Creek Watershed is a federally assisted action authorized for planning under Public Law 106-472, the Small Watershed Rehabilitation Act, which amends Public Law 83-566, the Watershed Protection and Flood Prevention Act. An environmental assessment was undertaken in conjunction with development of the watershed plan. This assessment was conducted in consultation with local, State, and Federal agencies as well as with interested organizations and individuals. Data developed during the assessment are available for public review at the following location: U.S. Department of Agriculture, Natural Resources Conservation Service, 3381 Skyway Drive, Auburn, Alabama 36830.

Recommended Action

This document describes a plan for upgrading an existing municipal water supply, and flood-prevention structure, Choccolocco Creek Watershed Multipurpose Dam No. 11 [MPD No. 11], to meet current dam safety criteria for a high-hazard dam. The plan calls for raising the dam with a concrete parapet wall, raising/reinforcing the auxiliary spillway, and reinforcing downstream toe of dam. Works of improvement will be accomplished by providing financial and technical assistance through the Water Works and Sewer Board of the City of Anniston, Alabama.

The principal project measures are to:

1. Construct a concrete parapet wall on top of the existing earth embankment to increase height of dam 5 feet and store flood water from the probable maximum precipitation rainfall event.
2. Raise the auxiliary spillway 0.5 feet and reinforcing the surface utilizing turf reinforcement.
3. Reinforce the downstream toe of dam using grouted riprap.

The measures will be planned and installed by developing a contract with the current operator of the dam.

Effects of Recommended Action

Installing these measures will bring MPD No. 11 into compliance with current dam safety criteria for a high-hazard dam. This will essentially eliminate the risk to loss of life for individuals in 21 homes, 1 water treatment plant, 1 mile of roadway, and 2 bridges. Additional effects will include retention of the municipal water

supply and continued protection against flooding, water quality benefits, fishing activities, recreational opportunities, protected land values, protected road and utility networks, and reduced maintenance costs for public infrastructure.

Wildlife habitat will be minimally disturbed during installation activities since most construction activity will occur on the dam and spillway which are covered in grass. No wetlands, wildlife habitat, fisheries, prime farmland, or cultural resources will be destroyed or threatened by this project. The disturbance of soil from dam modification activities will temporarily impact a 0.5 acre wetland. The 175-acre lake area and the beneficial characteristics it provides to the environment (pollutant filtration, ecological diversity, wildlife habitat, etc.) will be maintained. Fishery habitats will also be maintained.

No endangered or threatened plant or animal species will be adversely affected by the project.

There are no wilderness areas in the watershed.

Alternatives

Six alternative plans of action were considered in project planning. No significant adverse environmental impacts are anticipated from installation of the selected alternative. Also, the planned action is the most practical, complete, and acceptable means of protecting life and property of downstream residents and maintaining the municipal water supply.

Consultation—Public Participation

Original sponsoring organizations include the Water Works and Sewer Board of the City of Anniston, Alabama; Calhoun, Clay, Cleburne, and Talladega County Soil and Water Conservation Districts; Calhoun, Clay, Cleburne, and Talladega County Commissions; and the Choccolocco Creek Watershed Conservancy District. At the initiation of the planning process, meetings were held with representatives of the original sponsoring organizations to ascertain their interest and concerns regarding the Choccolocco Creek Watershed. The Water Works and Sewer Board of the City of Anniston, Alabama, agreed to serve as "lead sponsor" being responsible for leading the planning process with assistance from NRCS. As lead sponsor they also agreed to provide non-Federal cost-share, property rights, operation and maintenance, and public participation during, and beyond, the planning process.

An Interdisciplinary Planning Team provided for the "technical"

administration of this project. Technical administration includes tasks pursuant to the NRCS nine-step planning process, and planning procedures outlined in the NRCS-National Planning Procedures Handbook. Examples of tasks completed by the Planning Team include, but are not limited to, Preliminary Investigations, Hydrologic Analysis, Reservoir Sedimentation Surveys, Economic Analysis, Formulating and Evaluating Alternatives, and Writing the Watershed Plan—Environmental Assessment. Data collected from partner agencies, databases, landowners, and others throughout the entire planning process, were presented at the public meeting on June 28, 2005. Informal discussions amongst planning team members, partner agencies, and landowners were conducted throughout the entire planning period.

Public Participation

A public meeting was held on June 28, 2005 to explain the Small Watershed Rehabilitation Program and to scope resource problems, issues, and concerns of local residents associated with the MPD No. 11 project area. Potential alternative solutions to bring MPD No. 11 into compliance with current dam safety criteria for a high-hazard dam were also presented. Twenty-one meeting participants heard summaries of planning accomplishments to date, provided input on issues and concerns to be considered in the planning process, and identified which planning alternative [*i.e.* No Action, Decommission, Structural, Non-Structural] was most desirable.

Conclusion

The Environmental Assessment summarized above indicates that this Federal action will not cause significant adverse local, regional, or national impacts on the environment. Therefore, based on the above findings, I have determined that an environmental impact statement for the recommended plan of action on Choccolocco Creek Watershed MPD No. 11 is not required.

Dated: May 22, 2006.

Gary Kobylski,

State Conservationist.

[FR Doc. E6-8591 Filed 6-2-06; 8:45 am]

BILLING CODE 3410-16-P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: Rural Housing Service, USDA.

ACTION: Proposed collection; comments request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Rural Housing Service's (RHS) intention to request an extension for the currently approved information collection in support of our program for Complaints and Compensation for Construction Defects.

DATES: Comments on this notice must be received by August 4, 2006 to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Nica Mathes, Loan Specialist, Single Family Housing Direct Loan Division, RHS, U.S. Department of Agriculture, STOP 0783, 1400 Independence Avenue, SW., Washington, DC 20250-0783, Telephone (202) 205-3656.

SUPPLEMENTARY INFORMATION:

Title: RD Instruction 1924-F, "Complaints and Compensation for Construction Defects."

OMB Number: 0575-0082.

Expiration Date of Approval: October 31, 2006.

Type of Request: Extension of a currently approved information collection.

Abstract: The Complaints and Compensation for Construction Defects program under section 509C of Title V of the Housing Act of 1949, as amended, provides eligible persons who have structural defects with their Agency financed homes to correct these problems. Structural defects are defects in the dwelling, installation of a manufactured home, or a related facility or a deficiency in the site or site development which directly and significantly reduces the useful life, habitability, or integrity of the dwelling or unit. The defect may be due to faulty material, poor workmanship, or latent causes that existed when the dwelling or unit was constructed. The period in which to place a claim for a defect is within 18 months after the date that financial assistance was granted. If the defect is determined to be structural and is covered by the builders/dealers-contractor's warranty, the contractor is expected to correct the defect. If the contractor cannot or will not correct the defect, the borrower may be compensated for having the defect corrected, under the Complaints and

Compensation for Construction Defects program. Provisions of this subpart do not apply to dwellings financed with guaranteed section 502 loans.

Estimate of Burden: Public reporting for this collection of information is estimated to average .25 hours per response.

Respondents: Individuals or households.

Estimated Number of Respondents: 500.

Estimated Number of Responses per Respondent: 1.00.

Estimated Number of Responses: 500.

Estimated Total Annual Burden on Respondents: 125 hours.

Copies of this information collection can be obtained from Brigitte Sumter, Regulations and Paperwork Management Branch, at (202) 692-0042.

Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of RHS, including whether the information will have practical utility; (b) the accuracy of RHS's estimate of the burden of the proposed collection of information, including a variety of methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Brigitte Sumter, Regulations and Paperwork Management Branch, U.S. Department of Agriculture, Rural Development, STOP 0742, 1400 Independence Avenue, SW., Washington, DC 20250-0743. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: May 26, 2006.

Russell T. Davis,

Administrator, Rural Housing Service.

[FR Doc. E6-8654 Filed 6-2-06; 8:45 am]

BILLING CODE 3410-XV-P

DEPARTMENT OF COMMERCE**Foreign-Trade Zones Board****[Docket 20-2006]****Foreign-Trade Zone 37 - Orange County, New York, Application for Subzone, Schott Lithotec USA, Corp. (Photomask Blanks), Poughkeepsie, New York**

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the County of Orange, grantee of FTZ 37, requesting special-purpose subzone status for the manufacturing and warehousing facilities of Schott Lithotec USA, Corp (Schott), located in Poughkeepsie, New York. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally filed on May 24, 2006.

The Schott facilities (80 employees) consist of two sites on 3.5 acres in Poughkeepsie, New York: Site 1 (3.3 acres) is located at 2323 South Road; and Site 2 (6,875 square feet) is located at 641 Sheafe Road. The facilities are used for the manufacturing and warehousing of photomask blanks. Components and materials sourced from abroad, representing some 95% of all parts consumed in manufacturing, include: organic surface active agents, sensitizing emulsions, chemical preparations for photographic uses, glass substrates, and sputtering targets (duty rates range from duty-free to 6.5%).

FTZ procedures would exempt Schott from customs duty payments on the foreign components used in export production. Some 34 percent of the plant's shipments are exported. On its domestic sales, Schott would be able to choose the duty rates during Customs entry procedures that apply to photomask blanks (3.7%) for the foreign inputs noted above. The request indicates that the savings from FTZ procedures would help improve the plant's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ staff has been appointed examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is August 4, 2006. Rebuttal comments in response to material submitted during the foregoing period

may be submitted during the subsequent 15-day period to August 21, 2006.

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce Export Assistance Center, 20 Exchange Plaza, 20th Floor New York, NY 10005.
Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 1115, 1401 Constitution Ave. NW., Washington, DC 20230.

Dated: May 24, 2006.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. E6-8683 Filed 6-2-06; 8:45 am]

BILLING CODE 3510-DS-S

DEPARTMENT OF COMMERCE**International Trade Administration****[A-580-812]****Dynamic Random Access Memory Semiconductors of One Megabit or Above From the Republic of Korea; Notice of Court Decision Not in Harmony with Final Results of Administrative Review**

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On April 5, 2006, the United States Court of International Trade (the Court) sustained the final remand redetermination made by the Department of Commerce (the Department) pursuant to the Court's remand of the final results of the 1997-1998 administrative review of dynamic random access memory semiconductors of one megabit or above from the Republic of Korea. *See Hyundai Electronics Industries Co., Ltd. and Hyundai Electronics America, Inc., v. United States and Micron Technology, Inc.*, Court No. 00-01-00027, Slip Op. 06-46 (CIT 2006) (Hyundai IV). This case arises out of the Department's *Dynamic Random Access Memory Semiconductors (DRAMs) of One Megabit or Above From the Republic of Korea: Final Results of Antidumping Duty Administrative Review and Determination Not to Revoke the Order in Part*, 64 FR 69694 (December 14, 1999) (*Final Results*). The final judgment in this case was not in harmony with the Department's December 1999 *Final Results*.

EFFECTIVE DATE: June 5, 2006.

FOR FURTHER INFORMATION CONTACT: Ron Trentham or Tom Futtner, AD/CVD Operations, Office 4, Import

Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW., Washington, DC 20230; telephone: (202) 482-6320 or 482-3814, respectively.

SUPPLEMENTARY INFORMATION: On April 16, 2004, the Court remanded the Department's *Final Results*, in *Hyundai Electronics Industries, Co., Ltd., and Hyundai Electronics America Inc. v. United States and Micron Technology, Inc.*, 342 F. Supp. 2d 1141 (CIT 2004). In its remand, the Court ordered the Department to: (1) Recalculate LG Semicon's (LG's) dumping margin by application of adverse facts available (AFA) to only a portion of its U.S. sales; (2) provide additional information regarding the effect of non-subject merchandise research and development (R&D) on R&D for subject merchandise, or recalculate R&D costs on the most product-specific basis possible; (3) provide specific evidence showing how Hyundai Electronics Industries Co., Ltd. (Hyundai) and LG's actual R&D expenses for the review period are not reasonably accounted for in their amortized R&D costs, or accept their amortization of R&D expenses and; (4) provide additional information showing how R&D expenses that are currently deferred by Hyundai and LG affect production or revenue for the instant review period, or accept their deferral methodology.

In *Hyundai Electronics Industries, Co., Ltd., and Hyundai Electronics America Inc. v. United States and Micron Technology, Inc.*, 395 F. Supp. 2d 1231 (CIT 2005) the Court sustained the Department's partial AFA rate for LG and its use of amortized R&D expenses for calculating Hyundai's and LG's respective costs of production. The Court remanded the Department's cross-fertilization determination with instructions to recalculate Hyundai's and LG's R&D expenses without application of the cross-fertilization theory, and also remanded the Department's recognition of all of Hyundai's and LG's 1997 R&D expenses for antidumping duty purposes with instructions to accept Hyundai's and LG's deferral methodology in calculating R&D expenses for their respective costs of production.

In *Hyundai Electronics Industries, Co., Ltd., and Hyundai Electronics America Inc. v. United States and Micron Technology, Inc.*, 414 F. Supp. 2d 1289 (CIT 2006) (*Hyundai III*), the Court ordered that the Department's original findings rejecting LG's and Hyundai's cost amortization methodology, as stated in the *Final*

Results, be reinstated in accordance with *Hynix Semiconductor Inc. v. United States*, 424 F.3d 1363 (Fed. Cir. 2005).

The Department submitted its final results of redetermination on remand to the Court on February 23, 2006. On April 5, 2006, the Court sustained the Department's remand results in all respects. See, *Hyundai Electronics Industries, Co., Ltd., and Hyundai Electronics America Inc., v. United States and Micron Technology, Inc.*, Court No. 00-01-00027, Slip Op. 06-46 (CIT 2006).

Timken Notice

In its decision in *Timken Co., v. United States*, 893 F.2d 337, 341 (Fed. Cir. 1990) (*Timken*), the United States Court of Appeals for the Federal Circuit held that, pursuant to section 516a(e) of the Tariff Act of 1930, as amended (the Act), the Department must publish a notice of a court decision that is not "in harmony" with a Department determination, and must suspend liquidation of entries pending a "conclusive" court decision. The Court's decision in *Hyundai IV* on April 5, 2006, constitutes a final decision of the Court that is not in harmony with the Department's *Final Results*. This notice is published in fulfillment of the publication requirements of *Timken*. Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal, or, if appealed, pending a final and conclusive court decision.

This notice is issued and published in accordance with section 516A(c)(1) of the Act.

Dated: May 30, 2006.

David M. Spooner,

Assistant Secretary for Import Administration.

[FR Doc. E6-8684 Filed 6-2-06; 8:45 am]

BILLING CODE 3510-DS-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 052606A]

Draft Conservation Plan for the Pribilof Islands Northern Fur Seal

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availability; request for comments.

SUMMARY: In accordance with the Marine Mammal Protection Act

(MMPA), NMFS has revised its conservation plan for northern fur seals (*Callorhinus ursinus*). The goal of the draft plan is to promote the recovery of northern fur seals to their optimum sustainable population levels. NMFS solicits public comments on this draft conservation plan.

DATES: Comments and information must be received by August 4, 2006.

ADDRESSES: The draft conservation plan is available on the Internet at the following address: <http://www.fakr.noaa.gov/protectedresources/seals/fur.htm>. Alternatively, copies of the draft conservation plan may be reviewed and/or copied at the NMFS, Protected Resources Division, 222 W. 7th Ave., #43, Anchorage, AK, 99513; or at the Alaska Regional Office, Protected Resources Division, 709 W. 9th St., P.O. Box 21668, Juneau, AK 99802. Comments on the draft conservation plan should be sent to the above addresses. Comments also may be submitted via e-mail to NFSCPcomments@noaa.gov or via fax to (907) 586-7557.

FOR FURTHER INFORMATION CONTACT:

Michael Williams, NOAA/NMFS, Alaska Region, Anchorage Field Office, (907) 271 5006, or Kaja Brix, NOAA/NMFS, Alaska Region, (907) 586 7235.

SUPPLEMENTARY INFORMATION: The MMPA requires NMFS to prepare a conservation plan to promote the conservation and recovery of any species or stock designated as depleted. On June 17, 1988, the National Marine Fisheries Service (NMFS) designated the Pribilof Islands, Alaska (St. Paul and St. George Islands), population of northern fur seals depleted under the MMPA. NMFS originally published a conservation plan for northern fur seals in June 1993. The original plan identified 7 major areas of monitoring and research and recommended conservation actions coordinated among the agencies and entities with activities in the area. In the 13 years since the plan was completed, population numbers have changed and additional action items have been recommended or implemented.

The Pribilof Islands population has declined since the depleted listing. Between 1998 and 2004 estimated pup production declined at 6.2 percent per year on St. Paul Island and at 4.5 percent per year on St. George Island. The 2004 estimate of pup production on St. Paul Island is comparable with the level observed in 1921, while on St. George it is below the level observed in 1916. Recent satellite telemetry studies estimate lactating female and juvenile male northern fur seals foraging areas in

the Bering Sea. These studies also suggest separation of Bering Sea foraging areas based on the Pribilof breeding area of departure. A preliminary population estimate of 721,935 has been calculated for 2005 (Angliss in prep).

The conservation plan is an update of the plan prepared in 1993 and delineates reasonable actions necessary to promote recovery of the depleted Eastern Pacific stock of northern fur seals. NMFS developed and presents a conservation strategy in the conservation plan to guide Federal and other actions towards the goal of recovering this stock of northern fur seals. The objectives of the conservation strategy are:

(1) Identify and eliminate or mitigate the cause or causes of human related mortality of the Eastern Pacific stock of northern fur seals;

(2) Assess and avoid or mitigate adverse effects of human related activities on or near the Pribilof Islands and other habitat essential to the survival and recovery of the Eastern Pacific stock of northern fur seals;

(3) Continue and, as necessary, expand research or management programs to monitor trends and detect natural or human-related causes of change in the northern fur seal population and habitats essential to its survival and recovery; and

(4) Coordinate and assess the implementation of the conservation plan, based on implementation of conservation actions and completion of high priority studies. Conservation actions and study recommendations are included for each factor that may be affecting northern fur seals. The goal of this conservation plan will be met when the Eastern Pacific northern fur seal stock is at an abundance level that justifies their redesignation as a non-depleted stock. NMFS solicits public comments on this draft revision of the conservation plan for northern fur seals.

Dated: May 30, 2006.

P. Michael Payne,

Acting Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E6-8675 Filed 6-2-06; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[I.D. 053106B]

Mid-Atlantic Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meetings.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council); its Magnuson-Stevens Act (MSA) Reauthorization Committee; its Squid, Mackerel, Butterfish Committee with Advisors; the Joint Dogfish Committee; its Law Enforcement Committee; its Surfclam, Ocean Quahog, Tilefish Committee with Advisors; and, its Executive Committee will hold public meetings.

DATES: The meetings will be held Tuesday, June 20, 2006 through Thursday, June 22, 2006. See **SUPPLEMENTARY INFORMATION** for the meeting agenda.

ADDRESSES: The meetings will be held at The Doubletree Hotel, 700 N. King Street, Wilmington, DE 19801, telephone: (302) 655-0400.

Council address: Mid-Atlantic Fishery Management Council, 300 S. New Street, Dover, DE 19904; telephone: (302) 674-2331.

FOR FURTHER INFORMATION CONTACT: Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council; telephone: (302) 674-2331, extension 19.

SUPPLEMENTARY INFORMATION:**Tuesday, June 20, 2006**

From 9 a.m. until 12 noon, the MSA Committee will meet, to review side-by-side analyses of the MSA Reauthorization Bills and develop Council comments for Congressional feedback.

From 1 p.m. until 4 p.m., the Squid, Mackerel, Butterfish Committee will meet with its Advisors to review the Monitoring Committee's recommendations for 2007 quota levels and associated management measures and to develop 2007 quota specifications and associated management measures for Council consideration and action.

From 4 p.m. until 5:30 p.m., the Joint Dogfish Committee will meet to review preliminary data updates for spiny dogfish and review NMFS final rule for the 2006-08 fishing years.

Wednesday, June 21, 2006

From 8 a.m. until 8:30 a.m., the Law Enforcement Committee will meet to review the Council's Fisheries Achievement Award (FAA) process.

From 8:30 a.m. to 10:30 a.m., the Surfclam, Ocean Quahog, Tilefish Committee with Advisors will meet to discuss the Tilefish Advisory Panel appointment process and to review staff recommendations for the 2007 quota specifications and associated management measures for surfclams and ocean quahogs.

From 10:30 a.m. until noon, the Council will convene to approve its May 2006 Council meeting minutes, approve actions from the May Council meeting, and receive various reports provided to the Council during its regular business session.

From 1 p.m. until 2:30 p.m., the Council will review the Surfclam and Ocean Quahog Committee's recommendations for the 2007 quota specifications and associated management measures, and develop and adopt quota specifications and associated management measures for year three (2007) of the three year multi-year specification program.

From 2:30 p.m. until 5 p.m., the Council will review the Squid, Mackerel, Butterfish Committee's recommendations for the 2007 quota specifications and associated management measures, and develop and adopt quota specifications and associated management measures for 2007.

Thursday, June 22, 2006

From 8 a.m. to 9:30 a.m., the Executive Committee will meet to review outcomes from the May Council Chairmen and Executive Directors meeting with officials of the NMFS and discuss permitting in the recreational fishery.

At 9:30 a.m., the Council will convene to receive a presentation by the U.S. Coast Guard on Rescue 21, receive Committee reports, and address any continuing or new business.

Although non-emergency issues not contained in this agenda may come before the Council and its Committees for discussion, these issues may not be the subject of formal Council or Committee action during these meetings. Council and Committee action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act provided the public has been notified of the Council's intent to

take final actions to address such emergencies.

Special Accommodations

The meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to M. Jan Saunders at (302) 674-2331 extension 18, at least 5 days prior to the meeting date.

Dated: May 31, 2006.

Tracey L. Thompson,
Acting Director, Office of Sustainable Fisheries Service, National Marine Fisheries Service.

[FR Doc. E6-8674 Filed 6-2-06; 8:45 am]

BILLING CODE 3510-22-S

CONSUMER PRODUCT SAFETY COMMISSION**Sunshine Act; Notice of Meeting**

TIME AND DATE: Thursday, June 15, 2006, 10 a.m.

PLACE: Room 420, Bethesda Towers, 4330 East West Highway, Bethesda, Maryland.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: All Terrain Vehicles (ATVs).

The staff will brief the Commission on regulatory and non-regulatory options related to all terrain vehicles (ATVs).

For a recorded message containing the latest agenda information, call (301) 504-7948.

FOR FURTHER INFORMATION CONTACT: Todd A. Stevenson, Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, (301) 504-7923.

Dated: May 31, 2006.

Todd A. Stevenson,
Secretary.

[FR Doc. 06-5141 Filed 6-1-06; 2:39 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

[DOD-2006-OS-0110]

Office of the Inspector General; Privacy Act of 1974; System of Records

AGENCY: Office of the Inspector General, DoD.

ACTION: Notice to amend systems of records.

SUMMARY: The Office of the Inspector General (OIG) is amending a system of records notice in its existing inventory

of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a) as amended.

DATES: This proposed action will be effective without further notice on July 5, 2006 unless comments are received which result in a contrary determination.

ADDRESSES: Send comments to Chief, FOIA/PA Office, Inspector General, Department of Defense, 400 Army Navy Drive, Room 201, Arlington, VA 22202-4704.

FOR FURTHER INFORMATION CONTACT: Mr. Darryl R. Aaron at (703) 604-9785.

SUPPLEMENTARY INFORMATION: The Office of the Inspector General (OIG) systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the record system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: May 26, 2006.

C.R. Choate,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

CIG-15

SYSTEM NAME:

Departmental Inquiries Case System (December 29, 1999, 64 FR 73020).

CHANGES:

* * * * *

SYSTEM NAME:

Delete entry and replace with: "Senior Official and Reprisal Investigation Case System".

SYSTEM LOCATION:

Delete entry and replace with: "Office of the Deputy Inspector General for Investigations, Directorate of Investigations of Senior Officials, Office of the Inspector General, Department of Defense, 400 Army Navy Drive, Arlington, VA 22202-4704."

CATEGORIES OF INDIVIDUALS COVERED IN THE SYSTEM:

Delete entry and replace with: "Individuals who provide initial complaints resulting in administrative investigations conducted by Office of the Deputy Inspector General for Investigations (ODIG-INV) related to violations of laws, rules, or regulations or mismanagement, gross waste of

funds, abuse of authority, or a danger to the public health and safety; subjects of administrative investigations conducted by the ODIG-INV; or individuals identified as having been adversely affected by matters under investigation by the ODIG-INV."

* * * * *

SAFEGUARDS:

Delete entry and replace with: "Records are maintained in locked rooms accessible only to Office of the Deputy Inspector General for Investigations personnel having official need-to-know and electronic data system is password protected."

RETENTION AND DISPOSAL:

Delete entry and replace with: "Destroy when 10 years old."

NOTIFICATION PROCEDURE:

Delete entry and replace with: "Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Freedom of Information Act Requester Service Center/Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202-4704.

Written request should contain the individual's full name (including former names and aliases) date and place of birth, Social Security Number, current home address, telephone number and the request must be signed. Also, requests submitted on behalf of other persons must include their written authorization."

RECORD ACCESS PROCEDURES:

Delete entry and replace with: "Individuals seeking access to information about themselves contained in this system should address written inquiries to the Freedom of Information Act Requester Service Center/Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202-4704.

Written request should contain the individual's full name (including former names and aliases) date and place of birth, Social Security Number, current home address, telephone number and the request must be signed. Also, requests submitted on behalf of other persons must include their written authorization."

* * * * *

CIG-15

SYSTEM NAME:

Senior Official and Reprisal Investigation Case System.

SYSTEM LOCATION:

Office of the Deputy Inspector General for Investigations, Directorate of

Investigations of Senior Officials, Office of the Inspector General, Department of Defense, 400 Army Navy Drive, Arlington, VA 22202-4704.

CATEGORIES OF INDIVIDUALS COVERED IN THE SYSTEM:

Individuals who provide initial complaints resulting in administrative investigations conducted by Office of the Deputy Inspector General for Investigations (ODIG-INV) related to violations of laws, rules, or regulations or mismanagement, gross waste of funds, abuse of authority, or a danger to the public health and safety; subjects of administrative investigations conducted by the ODIG-INV; or individuals identified as having been adversely affected by matters under investigation by the ODIG-INV.

CATEGORIES OF RECORDS IN THE SYSTEM:

Materials relating to allegations received and documentation created as a result of action of the Office of the Inspector General, including reports, records of action taken, and supporting documentation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Inspector General Act of 1978 (Pub. L. 95-452), as amended; and DoD Directive 5106.1 (32 CFR part 376).

PURPOSE(S):

To record complaints, allegations of wrongdoing, and requests for assistance; to document inquiries, research facts and circumstances, sources of information, conclusions and recommendations; to record actions taken and notifications of interested parties and agencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS, AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The "Blanket Routine Uses" set forth at the beginning of the OIG's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated and paper records are stored in conventional media file folders and personal computer.

RETRIEVABILITY:

Automated and paper records pertaining to administrative

investigation cases are indexed through the use of a computerized cross-reference system; they may be retrieved by individual names or case numbers.

SAFEGUARDS:

Records are maintained in locked rooms accessible only to Office of the Deputy Inspector General for Investigations personnel having official need-to-know and electronic data system is password protected.

RETENTION AND DISPOSAL:

Destroy when 10 years old.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Assistant Inspector General for Departmental Inquiries, Office of the Inspector General, Department of Defense, 400 Army Navy Drive, Arlington, VA 22202-2884.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Freedom of Information Act Requester Service Center/Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202-4704.

Written request should contain the individual's full name (including former names and aliases) date and place of birth, Social Security Number, current home address, telephone number and the request must be signed. Also, requests submitted on behalf of other persons must include their written authorization.

RECORDS ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Freedom of Information Act Requester Service Center/Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202-4704.

Written request should contain the individual's full name (including former names and aliases) date and place of birth, Social Security Number, current home address, telephone number and the request must be signed. Also, requests submitted on behalf of other persons must include their written authorization.

CONTESTING RECORD PROCEDURES:

The OIG's rules for accessing records and for contesting contents and appealing initial agency determinations are published in 32 CFR part 312 or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information was obtained from sources, subjects, witnesses, all levels of

government, private businesses, and nonprofit organizations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Investigatory material compiled for law enforcement purposes may be exempt pursuant to 5 U.S.C. 552a(k)(2). However, if an individual is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or for which he would otherwise be eligible, as a result of the maintenance of such information, the individual will be provided access to such information except to the extent that disclosure would reveal the identity of a confidential source.

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553I(b) (1), (2), and (3), (c) and (e) and published in 32 CFR part 312. For additional information contact the system manager.

[FR Doc. 06-5085 Filed 6-2-06; 8:45 am]

BILLING CODE 5001-06-M

DEPARTMENT OF DEFENSE

[DOD-2006-OS-0111]

Office of the Inspector General; Privacy Act of 1974; System of Records

AGENCY: Office of the Inspector General, DoD.

ACTION: Notice to amend systems of records.

SUMMARY: The Office of the Inspector General (OIG) is amending a system of records notice in its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on July 5, 2005 unless comments are received which result in a contrary determination.

ADDRESSES: Send comments to Chief, FOIA/PA Office, Inspector General, Department of Defense, 400 Army Navy Drive, Room 2001, Arlington, VA 22202-4704.

FOR FURTHER INFORMATION CONTACT: Mr. Darryl R. Aaron at (703) 605-9785.

SUPPLEMENTARY INFORMATION: The Office of the Inspector General (OIG) systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the record system being amended are set forth below followed by the notice, as

amended, published in its entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: May 26, 2006.

C.R. Choate,

*Alternate OSD Federal Register Liaison
Officer, Department of Defense.*

CIG-17

SYSTEM NAME:

Voluntary Leave Transfer Program Record (June 16, 2003, 68 FR 35636).

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with: "Human Capital Management Directorate, Department of Defense Office of the Inspector General, 400 Army Navy Drive, Arlington, VA 22202-4704."

* * * * *

PURPOSE(S):

Delete entry and replace with: "The file is used in managing the Department of Defense Office of the Inspector General, Voluntary Leave Transfer Program. The recipient's name, position data, organization, and a brief hardship description are published internally for passive solicitation purposes. The Social Security Number is sought to effectuate the transfer of leave from the donor's account to the recipient's account."

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with: "Human Capital Management Directorate, Department of Defense Office of the Inspector General, 400 Army Navy Drive, Arlington, VA 22202-4704."

NOTIFICATION PROCEDURE:

Delete entry and replace with: "Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Freedom of Information Act Requester Service Center/Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202-4704. Individual should provide full name and Social Security Number."

RECORD ACCESS PROCEDURES:

Delete entry and replace with: "Individuals seeking access to records about themselves contained in this system of records should address

written inquires to the Freedom of Information Act Requester Service Center/Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202-4704.

Individual should provide full name and Social Security Number.”

* * * * *

CIG-17

SYSTEM NAME:

Voluntary Leave Transfer Program Records.

SYSTEM LOCATION:

Human Capital Management Directorate, Department of Defense Office of the Inspector General, 400 Army Navy Drive, Arlington, VA 22202-4704.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have volunteered to participate in the leave transfer program as either a donor or a recipient.

CATEGORIES OF RECORDS IN THE SYSTEM:

Leave recipient records contain the individual's name, organization, office telephone number, Social Security Number, position title, grade, pay level, leave balances, number of hours requested, brief description of the medical or personal hardship which qualifies the individual for inclusion in the program, and the status of that hardship.

The file may also contain medical or physician certifications and agency approvals or denials.

Donor records include the individual's name, organization, office telephone number, Social Security Number, position title, grade, and pay level, leave balances, number of hours donated and the name of the designated recipient.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 6331 et seq., Leave; 5 CFR part 630, Absence and Leave; IG Instruction 1424.630, Leave Administration Policy and Procedures; and E.O. 9397 (SSN).

PURPOSE(S):

The file is used in managing the Department of Defense Office of the Inspector General, Voluntary Leave Transfer Program. The recipient's name, position data, organization, and a brief hardship description are published internally for passive solicitation purposes. The Social Security Number is sought to effectuate the transfer of leave from the donor's account to the recipient's account.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552(a)(b)(3) as follows:

To the Department of Labor in connection with a claim filed by an employee for compensation due to a job-connected injury or illness; where leave donor and leave recipient are employed by different Federal agencies, to the personnel and pay offices of the Federal agency involved to effectuate the leave transfer.

The DoD "Blanket Routine Uses" set forth at the beginning of the OIG's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in paper and computerized form.

RETRIEVABILITY:

Records are retrieved by name of Social Security Number.

SAFEGUARDS:

Records are accessed by custodian of the records or by persons responsible for servicing the record system in performance of their official duties. Records are stored in locked cabinets or rooms and are controlled by personnel screening and computer software.

RETENTION AND DISPOSAL:

Records are destroyed one year after the end of the year in which the file is closed.

SYSTEM MANGER(S) AND ADDRESS:

Human Capital Management Directorate, Department of Defense Office of the Inspector General, 400 Army Navy Drive, Arlington, VA 22202-4704.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Freedom of Information Act Requester Service Center/Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202-4704.

Individual should provide full name and Social Security Number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this

system of records should address written inquiries to the Freedom of Information Act Requester Service Center/Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202-4704.

Individual should provide full name and Social Security Number.

CONTESTING RECORD PROCEDURES:

The OIG's rules for accessing records, and for contesting contents are appealing initial agency determinations are published in 32 CFR part 312 and may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is provided primarily by the record subject; however, some data may be obtained from personnel and leave records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 06-5086 Filed 6-2-06; 8:45 am]

BILLING CODE 5001-06-M

DEPARTMENT OF DEFENSE

[DOD-2006-OS-0112]

Office of the Inspector General; Privacy Act of 1974; System of Records

AGENCY: Office of the Inspector General, DoD.

ACTION: Notice to amend systems of records.

SUMMARY: The Office of the Inspector General (OIG) is amending a system of records notice in its existing inventory of record systems subject to the Privacy Act of 1973, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on July 5, 2006 unless comments are received which result in a contrary determination.

ADDRESSES: Send comments to Chief, FOIA/PA Office, Inspector General, Department of Defense, 400 Army Navy Drive, Room 201, Arlington, VA 22202-4704.

FOR FURTHER INFORMATION CONTACT: Mr. Darryl R. Aaron at (703) 604-9785.

SUPPLEMENTARY INFORMATION: The Office of the Inspector General (OIG) systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the record system being amended are set forth below followed by the notice, as

amended, published in its entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: May 26, 2006.

C.R. Choate,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

CIG-18

SYSTEM NAME:

Grievance Records (June 16, 2003, 68 FR 35636).

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with: "Records are maintained by Department of Defense Office of the Inspector General, Human Capital Management Directorate, Workforce Relations Division, 400 Army Navy Drive, Suite 115, Arlington, VA 22202-4704."

* * * * *

PURPOSE(S):

Delete entry and replace with: "The information will be issued by the Department of Defense Office of the Inspector General to control and process grievances; to investigate the allegations; conduct interviews; and render the final decision."

* * * * *

SAFEGUARDS:

Delete entry and replace with: "Records are maintained in locked metal file cabinets, to which only DoD OIG authorized personnel have access."

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with: "Human Capital Management Directorate, Department of Defense Office of the Inspector General, 400 Army Navy Drive, Arlington, VA 22202-4707."

NOTIFICATION PROCEDURE:

Delete entry and replace with: "Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Freedom of Information Act Requester Service Center/Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202-4707.

Written requests for information should include the full name."

RECORD ACCESS PROCEDURES:

Delete entry and replace with: "Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Freedom of Information Act Requester Service Center/Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202-4704.

Written requests for information should include the full name."

* * * * *

CIG-18

SYSTEM NAME:

Grievance Records.

SYSTEM LOCATION:

Records are maintained by Department of Defense Office of the Inspector General, Human Capital Management Directorate, Workforce Relations Division, 400 Army Navy Drive, Suite 115, Arlington, VA 22202-4704.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former Inspector General, Department of Defense employees who have submitted grievances in accordance with 5 CFR Part 771, DoD Directive 1400.25-M Subchapter 771 and DoD Inspector General Instruction 1400.5.

CATEGORIES OF RECORDS IN THE SYSTEM:

The case files contains all documents related to grievances including reports of interviews and hearings, examiner's findings and recommendations, copy of the original and final decision, and related correspondence and exhibits.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 2302, Prohibited personnel practices; 5 U.S.C. 7121, Grievance procedures; 5 CFR part 771; DoD 1400.25-M, Subchapter 771, Administrative Grievance System; DoD Inspector General Instruction 1400.5; and E.O. 9397 (SSN).

PURPOSE(S):

The information will be used by the Department of Defense Office of the Inspector General to control and process grievances; to investigate the allegations; conduct interviews; and render the final decision.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the

DoD as a routine use pursuant to 5 U.S.C. 552(a)(b)(3) as follows:

To disclose information to any source from which additional information is requested in the course of processing a grievance, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested.

To disclose in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending or judicial or administrative proceeding.

To provide information to officials of labor organization reorganized under the Civil Service Reform Act when relevant and necessary to their duties, exclusive representation concerning personnel policies, practices, and mater affecting work conditions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in paper form.

RETRIEVABILITY:

Records are retrieved by names of the individuals on whom the records are maintained.

SAFEGUARDS:

Records are maintained in locked metal file cabinets, to which only DoD OIG authorized personnel have access.

RETENTION AND DISPOSAL:

Records are destroyed four years after the case is closed.

SYSTEM MANAGER(S) AND ADDRESS:

Human Capital Management Directorate, Department of Defense Office of the Inspector General, 400 Army Navy Drive, Arlington, VA 22202-4704.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Freedom of Information Act Requester Service Center/Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202-4704.

Written requests for information should include the full name.

RECORD ACCESS PROCEDURES:

Delete entry and replace with: "Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Freedom of Information Act Requester Service Center/Privacy Act Office, 400 Army

Navy Drive, Arlington, VA 22202–4704.”

Written requests for information should include the full name.

CONTESTING RECORD PROCEDURES:

The OIG’s rules for addressing records, and for contesting contents and appealing initial agency determinations are published in 32 CFR part 312 and may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is provided by the individual on whom the record is maintained; by testimony of witnesses; by Agency officials; or from related correspondence from organizations or persons.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 06–5087 Filed 6–2–06; 8:45 am]

BILLING CODE 5001–06–M

DEPARTMENT OF DEFENSE

[DOD–2006–OS–0113]

Office of the Inspector General; Privacy Act of 1974; System of Records

AGENCY: Office of the Inspector General, DoD.

ACTION: Notice to amend systems of records.

SUMMARY: The Office of the Inspector General (OIG) is amending a system of records notice in its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on July 5, 2006 unless comments are received which result in a contrary determination.

ADDRESSES: Send comments to Chief, FOIA/PA Office, Office of the Inspector General, Department of Defense, 400 Army Navy Drive, Room 201, Arlington, VA 22202–4704.

FOR FURTHER INFORMATION CONTACT: Mr. Darryl R. Aaron at (703) 604–9785.

SUPPLEMENTARY INFORMATION: The Office of the Inspector General (OIG) systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the *Federal Register* and are available from the address above.

The specific changes to the record system being amended are set forth below followed by the notice, as amended, published in its entirety. The

proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: May 26, 2006.

C.R. Choate,

Alternate OSD Federal Register Liaison officer, Department of Defense.

CIG–21

SYSTEM NAME:

Congressional Correspondence Tracking System (December 9, 2003, 68 FR 68606).

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with:
“Assistant Inspector General for Office of Communications and Congressional Liaison, Office of the Inspector General of the Department of Defense, 400 Army Navy Drive, Arlington, VA 22202–4704.”

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with:
“Correspondence and related records from and to members of Congress pertaining to requests for congressional assistance in resolving problems. Records contain representative’s name, constituent’s name, subject matter, and case control number. The records may also contain the constituent’s Social Security Number, home address, home telephone number, or related personal information provided by the representative making the inquiry.”

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with:
“Assistant Inspector General for Office of Communications and Congressional Liaison, Office of the Inspector General of the Department of Defense, 400 Army Navy Drive, Arlington, VA 22202–4704.”

NOTIFICATION PROCEDURE:

Delete entry and replace with:
“Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Assistant Inspector General for Office of Communications and Congressional Liaison, Office of the Inspector General of the Department of Defense, 400 Army Navy Drive, Arlington, VA 22202–4704.

Written requests should contain the individual’s full name, all former names

and alias under which the file may be maintained and signature.”

RECORD ACCESS PROCEDURES:

Delete entry and replace with:
“Individuals seeking access to records about themselves contained in this system of records should address written requests to the Freedom of Information Act Requester Service Center/Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202–4704.

Written requests should contain the individual’s full name, all former names and alias under which the file may be maintained and signature.”

* * * * *

CIG–21

SYSTEM NAME:

Congressional Correspondence Tracking System (December 9, 2003, 68 FR 68606).

SYSTEM LOCATION:

Assistant Inspector General for Office of Communications and Congressional Liaison, Office of the Inspector General of the Department of Defense, 400 Army Navy Drive, Arlington, VA 22202–4704.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who contacts a member of Congress requesting that the member solicit information from the Office of the Inspector General of the Department of Defense A(OIG DoD) on their behalf.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence and related records from and to members of Congress pertaining to requests for congressional assistance in resolving problems. Records contain representative’s name, constituent’s name, subject matter, and case control number. The records may also contain the constituent’s Social Security Number, home address, home telephone number, or related personal information provided by the representative making the inquiry.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Inspector General Act of 1978 (Pub. L. 95–452), as amended; DoD Directive 5106.1, Inspector General of the Department of Defense; OIG Regulation 5545.1, Participation in Congressional Activities; and E.O. 9397 (SSN).

PURPOSE(S):

To maintain a record of all Congressional inquiries and the OIG, DoD response, and to conduct the necessary research so as to provide information responsive to Congressional

inquiries. Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

In addition to those disclosures generally permitted under 5 U.S.C. 552a of the Privacy Act, these records of information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD "Blanket Routine Uses" set forth at the beginning of the OIG compilation of system of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper and electronic records are stored in file folders, safes, computerized index listings and electronic storage media on local area network.

RETRIEVABILITY:

Retrieved by constituent's name, representative's name, or by case control number(s).

SAFEGUARDS:

Records are secured in a locked or guarded building and locked cabinets during non-duty hours. Paper records are stored in file cabinets located in an office suite, accessible only to OIG DoD personnel who must use the records to perform their duties. Computer systems in which records reside are protected through the use of assigned user identification(s) and multiple levels of passwords restricting access.

RETENTION AND DISPOSAL:

Records are permanent. Retire to the Washington National Records Center. Transfer to National Archives in two-year blocks when most recent record is 8-years old.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Inspector General for Office of Communications and Congressional Liaison, Office of the Inspector General of the Department of Defense, 400 Army Navy Drive, Arlington, VA 22202-4704.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Assistant Inspector General for Office of Communications and Congressional Liaison, Office of the Inspector General of the Department of Defense, 400 Army Navy Drive, Arlington, VA 22202-4704.

Written requests should contain the individual's full name, all former names

and alias under which the file may be maintained and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written requests to the Freedom of Information Act Requester Service Center/Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202-4704.

Written requests should contain the individual's full name, all former names and alias under which the file may be maintained and signature.

CONTESTING RECORD PROCEDURES:

The OIG's rules for accessing records and for contesting contents and appealing initial agency determinations are published in 32 CFR part 312 or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The files are composed of correspondence or memoranda from Members of Congress or their staffs.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

During the course of processing a Congressional inquiry, exempt materials from other systems of records may in turn become part of the case records in this system. To the extent that copies of exempt records from those "other" systems of records are entered into this system of records, the Office of the Inspector General, DoD hereby claims the same exemptions for the records from those "other" systems that are entered into this system, as claimed for the original primary systems of records which they are a part.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 312. For additional information contact the system manager.

[FR Doc. 06-5088 Filed 6-2-06; 8:45 am]

BILLING CODE 5001-06-M

DEPARTMENT OF DEFENSE

[DOD-2006-OS-0114]

**Office of the Inspector General;
Privacy Act of 1974; System of
Records**

AGENCY: Office of the Inspector General, DoD.

ACTION: Notice to amend systems of records.

SUMMARY: The Office of the Inspector General (OIG) is amending a system of records notice in its existing inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on July 5, 2006 unless comments are received which result in a contrary determination.

ADDRESSES: Send comments to Chief, FOIA/PA Office, Inspector General, Department of Defense, 400 Army Navy Drive, Room 201, Arlington, VA 22202-4704.

FOR FURTHER INFORMATION CONTACT: Mr. Darryl R. Aaron at (703) 604-9785.

SUPPLEMENTARY INFORMATION: The Office of the Inspector General (OIG) systems of records notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the record system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: May 26, 2006.

C.R. Choate,

*Alternate OSD Federal Register Liaison
Officer, Department of Defense.*

CIG-06

SYSTEM NAME:

Investigative Files (May 23, 2005, 70 FR 29483).

CHANGES:

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SYSTEM LOCATION:

Delete entry and replace with:
"Primary location: Office of the Inspector General, Department of Defense, Office of the Deputy Inspector General for Investigations, Defense Criminal Investigative Service (DCIS), 400 Army Navy Drive, Arlington, VA 22202-4704.

Decentralized locations: Defense Criminal Investigative Service Field Offices, Resident Agencies, and Posts of Duty."

PURPOSE(S):

Delete first paragraph and replace with: "To conduct criminal investigations, crime prevention and criminal intelligence activities, to accomplish management studies involving the analysis, compilation of statistics, quality control, to ensure that completed investigations are legally sufficient and result in overall improvement in techniques, training and professionalism. Includes personnel

security, internal security, criminal, and other law enforcement matters, all of which are essential to the effective operation of the Office of the Inspector General, DCIS."

RETRIEVABILITY:

Delete entry and replace with: "Records are retrieved by individuals name, Social Security Number, or case control number."

SAFEGUARDS:

Delete entry and replace with: "The primary storage location and some decentralized locations are in buildings protected by guards during non-duty hours. All OIG records are stored in locked safes and are accessible only to authorized personnel who have a need-to-know in conjunction with their official duties. Computerized listings are password protected."

RETENTION AND DISPOSAL:

Delete entry and replace with: "Investigative Case files and Information Reports are maintained in the office of origin for two years after case closure and then transferred to the OIG DoD Headquarters for preparation and final transfer to the Washington National Records Center where they are retained for 20 years and 10 years, respectively, and ultimately destroyed.

Those records which attract great public or judicial attention or document a historical development in the OIG DoD may be deemed permanent and transferred directly to the National Archives and Records Administration."

NOTIFICATION PROCEDURE:

Delete entry and replace with: "Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Freedom of Information Act Requester Service Center/Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202-4704:

Written requests should contain the individual's full name (including former names and aliases), and Social Security Number, current home address, telephone number, and the request must be signed."

RECORD ACCESS PROCEDURES:

Delete entry and replace with: "Individuals seeking access to information about themselves contained in this system should address written inquiries to the Freedom of Information Act Requester Service Center/Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202-4704.

Written requests should contain the individual's full name (including former

names and aliases), and Social Security Number, current home address, telephone number, and the request must be signed."

RECORD SOURCE CATEGORIES:

Delete entry and replace with: "Subjects and suspects of OIG investigations. Interview of witnesses, victims, and confidential sources. All types of records and information maintained by all levels of government, private industry, and non-profit organizations reviewed during the course of the investigation or furnished to the OIG. Any other type of record deemed necessary to complete the OIG investigation."

* * * * *

CIG-06

SYSTEM NAME:

Investigative Files.
Primary location: Office of the Inspector General, Department of Defense, Office of the Deputy Inspector General for Investigations, Defense Criminal Investigative Service (DCIS), 400 Army Navy Drive, Arlington, VA 22202-4704.

Decentralized locations: Defense Criminal Investigative Service Field Offices, Resident Agencies, and Posts of Duty.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DoD civilian personnel; members of the Armed Forces of the United States, Reserve components, and National Guard units; DoD contractors; individuals residing on, having authorized official access to, or contracting or operating any business or other functions at any DoD installation or facility; and individuals not affiliated with the Department of Defense when their activities have directly threatened the functions, property or personnel of the Department of Defense, or they have threatened any other high ranking government personnel who are provided protective service mandated by the Secretary of Defense, or they have engaged in, or are alleged to engage in criminal acts on DoD installations or directed at the Department of Defense, its personnel or functions; or individuals information regarding DoD activities falling under the purview of OIG responsibilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of Investigations (ROIs), Information Reports (IRs) and criminal intelligence reports containing statements of witnesses, suspects, subject(s) and special agents; laboratory reports, polygraph records to include

charts, reports, technical data, rights waivers, polygraph waivers, numerical score sheets, interview logs, test questions sheets, and all other documents relating to the polygraphs, all consensual or nonconsensual monitoring, documentary evidence, physical evidence, summary and administrative data pertaining to preparation and distribution of the report; basis for allegations; investigative information from Federal, State, and local investigative and intelligence agencies and departments and all correspondence relevant to the investigation, location of investigation, year and date of offense, names and personal identifiers of persons who have been subjects of electronic surveillance, suspects, subjects witnesses and victims of crimes, report number which allows access to records noted above; agencies, firms, and Defense Department organizations which were the subject(s) or victim(s) of criminal investigations; and disposition and suspense of offenders listed in criminal investigative files, agents notes, working papers, confidential source documents, subpoenas, Grand Jury documents, fingerprint cards, witness identification data, requests approvals for case openings and/or closings, special investigative techniques requiring approval by management, and any other miscellaneous documents supporting the case files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Inspector General Act of 1978 (Pub. L. 95-452), as amended; DoD Directive 5106.1, Inspector General of the Department of Defense; and E.O. 9397 (SSN).

PURPOSE(S):

To conduct criminal investigations, crime prevention and criminal intelligence activities, to accomplish management studies involving the analysis, compilation of statistics, quality control, to ensure that completed investigations are legally sufficient and result in overall improvement in techniques, training and professionalism. Includes personnel security, internal security, criminal, and other law enforcement matters, all of which are essential to the effective operation of the Office of the Inspector General, DCIS.

THE RECORDS IN THIS SYSTEM ARE USED FOR THE FOLLOWING PURPOSES:

Suitability, loyalty, eligibility, and general trustworthiness of individuals for access or continued access to classified information and suitability for access to government facilities or

industrial firms engaged in government projects/contracts; contractor responsibility and suspension/debarment determinations; suitability for awards or similar benefits; use in current law enforcement investigation or program of any type; use in judicial or adjudicative proceedings including litigation or in accordance with a court order; to identify offenders, to provide facts and evidence upon which to base prosecution, to provide information to other investigative elements of the Department of Defense having jurisdiction over the substance of the allegations or a related investigative interest in criminal law enforcement investigations including statutory violations, counter-intelligence, counter-espionage and counter-terrorist activities and other security matters; to effect corrective administrative action and to recover money and property which has been wrongfully used or misappropriated; to make statistical evaluations and reports; to make decisions affecting personnel actions concerning members of the Armed Forces and/or Federal employees; and to respond to other complaint investigations and congressional inquiries as appropriate.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To the U.S. Secret Service in conjunction with the protection of persons under its jurisdiction.

To other Federal, State, or local agencies having jurisdiction over the substance of the allegations or a related investigative interest in criminal law enforcement investigations including statutory violations, counter-intelligence, counter-espionage and counter-terrorist activities and other security matters.

To other Federal Inspector General offices, the President's Council on Integrity and Efficiency, and/or other Federal law enforcement agencies for the purpose of coordinating and conducting administrative inquiries and civil and criminal investigations, or when responding to such offices, Council, and agencies in connection with the investigation of potential violations of law, rule, and/or regulation.

To other Federal Inspector General offices, the President's Council on

Integrity and Efficiency, and/or the Department of Justice for purposes of conducting external reviews to ensure that adequate internal safeguards and management procedures continue to exist within the Office of the Inspector General of the Department of Defense.

The DoD "Blanket Routine Uses" set forth at the beginning of the OIG's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on paper in file folders and on electronic storage media.

RETRIEVABILITY:

Records are retrieved by individual's name, Social Security Number, or case control number.

SAFEGUARDS:

The primary storage location and some decentralized locations are in buildings protected by guards during non-duty hours. All OIG records are stored in locked safes and are accessible only to authorized personnel who have a need-to-know in conjunction with their official duties. Computerized listings are password protected.

RETENTION AND DISPOSAL:

Investigative Case files and Information Reports are maintained in the office of origin for two years after case closure and then transferred to the OIG DoD Headquarters for preparation and final transfer to the Washington National Records Center where they are retained for 20 years and 10 years, respectively, and ultimately destroyed.

Those records which attract great public or judicial attention or document a historical development in the OIG DoD may be deemed permanent and transferred directly to the National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Internal Operations Directorate, Office of the Deputy Inspector General for Investigations, Defense Criminal Investigative Service, Office of the Inspector General of the Department of Defense, 400 Army Navy Drive, Arlington, VA 22202-4704.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Freedom of Information Act Requester Service Center/Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202-4704.

Written requests should contain the individual's full name (including former names and aliases), and Social Security Number, current home address, telephone number, and the request must be signed.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Freedom of Information Act Requester Service Center/Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202-4704.

Written requests should contain the individual's full name (including former names and aliases), and Social Security Number, current home address, telephone number, and the request must be signed.

CONTESTING RECORD PROCEDURES:

The OIG's rules for accessing records and for contesting contents and appealing initial agency determinations are published in 32 CFR part 312 or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Subjects and suspects of OIG investigations. Interview of witnesses, victims, and confidential sources. All types of records and information maintained by all levels of government, private industry, and non-profit organizations reviewed during the course of the investigation or furnished to the OIG. Any other type of record deemed necessary to complete the OIG investigation.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt pursuant to 5 U.S.C. 552a(j)(2) if the information is compiled and maintained by a component of the agency that performs as its principle function any activity pertaining to the enforcement of criminal laws.

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 312. For additional information contact the system manager.

[FR Doc. 06-5089 Filed 6-2-06; 8:45 am]

BILLING CODE 5001-06-M

DEPARTMENT OF DEFENSE**Defense Intelligence Agency**

[DOD-2006-OS-0115]

Privacy Act of 1974; Systems of Records**AGENCY:** Defense Intelligence Agency, DoD.**ACTION:** Notice to amend a system of records.**SUMMARY:** The Defense Intelligence Agency is amending a system of records notice to its existing inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.**DATES:** This proposed action will be effective without further notice on July 5, 2006 unless comments are received that would result in a contrary determination.**ADDRESSES:** Freedom of Information Office, Defense Intelligence Agency (DAN-1A), 200 MacDill Blvd., Washington, DC 20340-5100.**FOR FURTHER INFORMATION CONTACT:** Ms. Theresa Lowery at (202) 231-1193.**SUPPLEMENTARY INFORMATION:** The Defense Intelligence Agency notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the record system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendment is not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: May 26, 2006.

C.R. Choate,*Alternate OSD Federal Register Liaison Officer, Department of Defense.***LDIA 0900****SYSTEM NAME:**

Accounts Receivable, Indebtedness and Claims (February 22, 1993, 58 FR 10613).

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete "0001" and replace with: "5100".

* * * * *

STORAGE:

Delete entry and replace with: "Paper records in file folders and electronic database on classified system."

* * * * *

SAFEGUARDS:

Delete entry and replace with: "Records are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information. Records are stored in locked cabinets when not in use. Electronic records are maintained on a classified and password protected system."

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with: "Comptroller, Defense Intelligence Agency, ATTN: FE-2E, Washington DC 20340-5100."

NOTIFICATION PROCEDURE:

Delete entry and replace with: "Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Freedom of Information Act Office (DAN-1A/FOIA) Defense Intelligence Agency, 200 MacDill Blvd., Washington, DC 20340-5100.

Individuals should provide their full name, current address, telephone number and Social Security Number."

RECORD ACCESS PROCEDURES:

Delete entry and replace with: "Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the Freedom of Information Act Office (DAN-1A/FOIA), Defense Intelligence Agency, 200 MacDill Blvd., Washington DC 20340-5100.

Individual should provide their full name, current address, telephone number and Social Security Number."

CONTESTING RECORD PROCEDURES:

Delete entry and replace with: "DIA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DIA Regulation 12-12 'Defense Intelligence Agency Privacy Program'; 32 CFR part 319—Defense Intelligence Agency Privacy Program; or may be obtained from the system manager."

* * * * *

LDIA 0900**SYSTEM NAME:**

Accounts Receivable, Indebtedness and Claims.

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, DC 20340-5100

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former active duty military personnel, current and former civilian employees, Reserve and National Guard personnel, dependents of employees and military personnel exchange officers and other individuals who may be indebted to the Defense Intelligence Agency or another Government agency or have a claim pending against the Defense Intelligence Agency.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records maintained in this system include but are not limited to documentation pertaining to telephone bills; dishonored checks; reports of survey; erroneous payments; property losses and damages; administratively determined indebtedness; losses of funds; records of travel payments, travel orders, travel vouchers, statements of nonavailability of quarters and mess, paid receipts, and certifications of payment; delinquent accounts receivable from other Federal agencies including returned checks, medical service billings and collection records; summaries of reports from investigative activities such as the military investigative services, the U.S. Secret Service of the Federal Bureau of Investigation, reports from probate courts and bankruptcy courts; credit reports, promissory notes; individual financial statements; correspondence from and to the debtor or claimant; applications for waiver of erroneous payments or for remission of indebtedness with support documentation; claims of individuals requesting additional payments with supporting documentation such as time and attendance records and leave and earning statements.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5512; 5 U.S.C. 5513; 5 U.S.C. 5514; 5 U.S.C. 5584; 5 U.S.C. 5705; 10 U.S.C. 2274; 10 U.S.C. 22761; 31 U.S.C. 3322; 31 U.S.C. 3527; 31 U.S.C. 3702; 31 U.S.C. 3711; 31 U.S.C. 3716; 31 U.S.C. 3717; 31 U.S.C. 3718; 37 U.S.C. 1007; 40 U.S.C. 721-729.

PURPOSE(S):

Information is collected to determine eligibility for waiver of erroneous payments or additional payments for service rendered. Information is also used to support customer billings and collection of claims of the United States for money or property arising out of the

activities of the Defense Intelligence Agency or other Federal agencies. Information from this system may be disclosed to credit bureaus and credit reporting activities, the Comptroller General and the General Accounting Office, the Defense Investigative Service, the Internal Revenue Service, the Federal Bureau of Investigation, U.S. Secret Service, state and local law enforcement authorities, trustees in bankruptcy and probate courts and other Federal agencies (for possible collection by offset). Disclosures may also be made to the Department of Justice for criminal prosecution, civil litigation, or investigation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The "Blanket Routine Uses" set forth at the beginning of the DIA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and electronic database on classified system.

RETRIEVABILITY:

Alphabetically by surname of individual.

SAFEGUARDS:

Records are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information. Records are stored in locked cabinets when not in use. Electronic records are maintained on a classified and password protected system.

RETENTION AND DISPOSAL:

Records are retained in office files through the fiscal year following the fiscal year in which final action was taken on the accounts receivable, indebtedness or claim. Records are then transferred to the Washington National Records Center where they are retained for up to 9 years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Comptroller, Defense Intelligence Agency, ATTN: FE-2E, Washington, DC 20340-5100.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Freedom of Information Act Office (DAN-1A/FOIA), Defense Intelligence Agency, 200 MacDill Blvd., Washington, DC 20340-5100.

Individual should provide their full name, current address, telephone number and Social Security Number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the Freedom of Information Act Office (DAN-1A/FOIA), Defense Intelligence Agency, 200 MacDill Blvd., Washington, DC 20340-5100.

Individual should provide their full name, current address, telephone number and Social Security Number.

CONTESTING RECORD PROCEDURES:

DIA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DIA Regulation 12-12 "Defense Intelligence Agency Privacy Program"; 32 CFR part 319—Defense Intelligence Agency Privacy Program; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from DoD and other Federal financial records systems; financial, educational and medical institutions; automated system interfaces; police and investigative officers; state bureaus of motor vehicles; Internal Revenue Service; Social Security Administration; Department of Veterans Affairs; the Office of Personnel Management and commercial credit reporting agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 06-5090 Filed 6-2-06; 8:45 am]

BILLING CODE 5001-06-M

DEPARTMENT OF DEFENSE

Defense Intelligence Agency

[DOD-2006-OS-0116]

Privacy Act of 1974; Systems of Records

AGENCY: Defense Intelligence Agency, DoD.

ACTION: Notice to amend a system of records.

SUMMARY: The Defense Intelligence Agency is amending a system of records notice to its existing inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on July 5, 2006 unless comments are received that would result in a contrary determination.

ADDRESSES: Freedom of Information Office, Defense Intelligence Agency (DAN-1A), 200 MacDill Blvd., Washington, DC 20340-5100.

FOR FURTHER INFORMATION CONTACT: Ms. Theresa Lowery at (202) 231-1193.

SUPPLEMENTARY INFORMATION: The Defense Intelligence Agency notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the record system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendment is not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: May 26, 2006.

C.R. Choate,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

LDIA 0800

SYSTEM NAME:

Operation Record System (February 22, 1993, 58 FR 10613).

CHANGES:

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SYSTEM LOCATION:

Delete: "0001" and replace with: "5100".

* * * * *

SAFEGUARDS:

Delete entry and replace with: "Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and training in the protection of privacy information. Electronic records are maintained on a classified and password protected system."

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with: "Collection Management Center,

Operations Services Office, Defense Intelligence Agency, Washington, DC 20340-5100."

NOTIFICATION PROCEDURE:

Delete entry and replace with: "Individuals seeking to determine whether information about themselves in contained in this system of records should address written inquiries to the Freedom of Information Act Office (DAN-1A/FOIA), Defense Intelligence Agency, 200 MacDill Blvd., Washington, DC 20340-5100.

Individuals should provide their full name, current address, telephone number and Social Security Number."

RECORD ACCESS PROCEDURES:

Delete entry and replace with: "Individuals seeking access to information about themselves contained in this system should address written inquiries to the Freedom of Information Act Office (DAN-1A/FOIA), Defense Intelligence Agency, 200 MacDill Blvd., Washington DC 20340-5100.

Individuals should provide their full name, current address, telephone number and Social Security Number."

CONTESTING RECORD PROCEDURES:

Delete entry and replace with: "DIA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DIA Regulation 12-12 'Defense Intelligence Agency Privacy Program'; 32 CFR part 319—Defense Intelligence Agency Privacy Program; or may be obtained from the system manager."

* * * * *

LDIA 0800**SYSTEM NAME:**

Operation Record System.

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, DC 20340-5100.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals involved in foreign intelligence and/or training activities conducted by the Department of Defense, who are of interest either because of the actual, apparent, or potential use.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files include operational, biographic, policy, management, training, and administrative matters related to the foreign intelligence activities of the Department of Defense.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority contained in the National Security Act of 1947, as

amended, the Secretary of Defense issued Department of Defense Directive 5105.21 which created the Defense Intelligence Agency as a separate agency of the Department of Defense and charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

PURPOSE(S):

Information is collected to support the administration, operation, and management of foreign intelligence and/or training activities conducted by the Department of Defense. To provide information within the Department of Defense and other Federal agencies for the conduct of foreign intelligence operations and to provide staff management over foreign intelligence training conducted by the Department of Defense.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The "Blanket Routine Users" set forth at the beginning of the DIA's compilation of a systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Automated on magnetic tapes and discs, microfilm and aperture cards and manual in paper files.

RETRIEVABILITY:

Alphabetically by surname of individual.

SAFEGUARDS:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who properly screened, cleared and trained in the protection of privacy information. Electronic records are maintained on a classified and password protected system.

RETENTION AND DISPOSAL:

Master files are retained indefinitely. Temporary records are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Collection Management Center, Operations Services Office, Defense Intelligence Agency, Washington, DC 20340-5100.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Freedom of Information Act Office (DAN-1A/FOIA), Defense Intelligence Agency, 200 MacDill Blvd., Washington, DC 20340-5100.

Individuals should provide their full name, current address, telephone number and Social Security Number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Freedom of Information Act Office (DAN-1A/FOIA), Defense Intelligence Agency, 200 MacDill Blvd., Washington, DC 20340-5100.

Individuals should provide their full name, current address, telephone number and Social Security Number.

CONTESTING RECORD PROCEDURES:

DIA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DIA Regulation 12-12 "Defense Intelligence Agency Privacy Program"; 32 CFR part 319—Defense Intelligence Agency Privacy Program; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

DoD, other intelligence agencies, educational institutions, Federal agencies, research institutions, foreign governments and open source literature.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(k)(2) and (k)(5), as applicable. An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 319. For more information contact the system manager.

[FR Doc. 06-5091 Filed 6-2-06; 8:45 am]

BILLING CODE 5001-06-M

DEPARTMENT OF DEFENSE**Defense Intelligence Agency**

[DOD-2006-OS-0117]

Privacy Act of 1974; Systems of Records

AGENCY: Defense Intelligence Agency, DoD.

ACTION: Notice to amend a system of records.

SUMMARY: The Defense Intelligence Agency is amending a system of records notice to its existing inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on July 5, 2006 unless comments are received that would result in a contrary determination.

ADDRESSES: Freedom of Information Office, Defense Intelligence Agency (DAN-1A), 200 MacDill Blvd., Washington, DC 20340-5100.

FOR FURTHER INFORMATION CONTACT: Ms. Theresa Lowery at (202) 231-1193.

SUPPLEMENTARY INFORMATION: The Defense Intelligence Agency notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the record system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendment is not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: May 26, 2006

C.R. Choate,
Alternate OSD Federal Register Liaison Officer, Department of Defense.

LDIA 0450

SYSTEM NAME:

Drug-Free Workplace Files (February 22, 1993, 58 FR 10613).

CHANGES:

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SYSTEM LOCATION:

Delete "0001" and replace with: "5100".

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with: "Civilian employees of, and applicants for positions in, the Defense Intelligence Agency".

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with: "Records relating to the selection, notification, and testing of employees and applicants, tests results information, and related reports to include disciplinary action due to failed tests, refusal of test, accident, reasonable suspicion, voluntary test."

* * * * *

PURPOSE(S):

Delete second paragraph and replace with: "Records are used by the employee's of the Deputy Director for Human Capital who have the authority to recommend or make offers of employment; a supervisory or management official having authority to take or recommend adverse personnel actions against a subject employee."

* * * * *

STORAGE:

Delete entry and replace with: "Paper records maintained in file folders. Automated records in a database, diskette, or other machine-readable media."

RETRIEVABILITY:

Delete entry and replace with: "Test results are retrieved by surname of applicant or employee Social Security Number. Other retrieval fields include date of testing and personal identification number."

SAFEGUARDS:

Delete entry and replace with: "File folders are stored in cabinets that are locked when not being used. Electronic records are accessed on computer terminals in supervised areas. All personnel having access to this record system have been trained for proper handling of Privacy Act information. Electronic records are maintained on a classified and password protected system."

RETENTION AND DISPOSAL:

Delete entry and replace with: "Files on applicants for positions are maintained for a period not to exceed twelve months. Employee files are retained for two years. In instances of a positive test finding resulting in the separation of an employee, retention is for a period of six years and three months after the case is closed. Destruction of paper records is accomplished by shredding or burning. Electronic records are erased and overwritten."

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with: "Deputy Director for Human Capital, ATTN: HCH, Defense Intelligence Agency, 200 MacDill Blvd., Washington DC 20340-5100"

NOTIFICATION PROCEDURE:

Delete entry and replace with: "Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Freedom of Information Act Office

(DAN-1A/FOIA), Defense Intelligence Agency, Washington, DC 20340-5100.

Individuals should provide their full name, current address, telephone number and Social Security Number."

RECORD ACCESS PROCEDURES:

Delete entry and replace with: "Individuals seeking access to information about themselves contained in this system should address written inquiries to the Freedom of Information Act Office (DAN-1A/FOIA), Defense Intelligence Agency, Washington, DC 20340-5100.

Individuals should provide their full name, current address, telephone number and Social Security Number."

CONTESTING RECORD PROCEDURES:

Delete entry and replace with: "DIA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DIA Regulation 12-12 'Defense Intelligence Agency Privacy Program'; 32 CFR part 319—Defense Intelligence Agency Privacy Program; or may be obtained from the system manager."

* * * * *

LDIA 0450

SYSTEM NAME:

Drug-Free workplace Files.

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, DC 20340-5100.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees of, and applicants for positions in, the Defense Intelligence Agency.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records relating to the selection, notification, and testing of employees and applicants, tests results information, and related reports to include disciplinary action due to failed tests, refusal of test, accident, reasonable suspicion, voluntary test.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7301 and 7361; Public Law 100-71; and E.O.s 12564, Drug-Free Federal Workplace and 9397.

PURPOSE(S):

The system is used to maintain Drug Testing Program Coordinator records relating to the implementation of the program, administration, selection, notification and testing of DIA employees and applicants for employment for use of illegal drugs.

Records are used by the employee's of the Deputy Director for Human Capital

who have the authority to recommend or make offers of employment; a supervisory or management official having authority to take or recommend adverse personnel actions against a subject employee.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows: In order to comply with the provision of 5 U.S.C. 7301 the DIA "Blanket Routine Uses" do not apply to this system or records.

To a court of competent jurisdiction where required by the United States Government to defend against any challenge against any adverse personnel action.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records maintained in file folders. Automated records in a database, diskette, or other machine-readable media.

RETRIEVABILITY:

Test results are retrieved by surname of applicant or employee Social Security Number. Other retrieval fields include date of testing and personal identification number.

SAFEGUARDS:

File folders are stored in cabinets that are locked when not being used. Electronic records are accessed on computer terminals in supervised areas. All personnel having access to this record system have been trained for proper handling of Privacy Act information. Electronic records are maintained on a classified and password protected system.

RETENTION AND DISPOSAL:

Files on applicants for positions are maintained for a period not to exceed twelve months. Employee files are retained for two years. In instances of a positive test finding resulting in the separation of an employee, retention is for a period of six years and three months after the case is closed. Destruction of paper records is accomplished by shredding or burning. Electronic records are erased and overwritten.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Director for Human Capital, ATTN: HCH, Defense Intelligence

Agency, 200 MacDill Blvd., Washington, DC 20340-5100.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Freedom of Information Act Office (DAN-1A/FOIA), Defense Intelligence Agency, Washington, DC 20340-5100.

Individuals should provide their full name, current address, telephone number and Social Security Number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Freedom of Information Act Office (DAN-1A/FOIA), Defense Intelligence Agency, Washington, DC 20340-5100.

Individuals should provide their full name, current address, telephone number and Social Security Number.

CONTESTING RECORD PROCEDURES:

DIA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DIA Regulation 12-12: Defense Intelligence Agency Privacy Program"; 32 CFR part 319—Defense Intelligence Agency Privacy Program; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The test subject, medical review officials, collection personnel and others on a case-by-case basis.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 06-5092 Filed 6-2-06; 8:45 am]

BILLING CODE 5001-06-M

DEPARTMENT OF DEFENSE

Defense Intelligence Agency

[DOD-2006-OS-0118]

Privacy Act of 1974; Systems of Records

AGENCY: Defense Intelligence Agency, DoD.

ACTION: Notice to amend a system of records.

SUMMARY: The Defense Intelligence Agency is amending a system of records notice to its existing inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on July

5, 2006 unless comments are received that would result in a contrary determination.

ADDRESSES: Freedom of Information Office, Defense Intelligence Agency (DAN-1A), 200 MacDill Blvd., Washington, DC 20340-5100.

FOR FURTHER INFORMATION CONTACT: Ms. Theresa Lowery at (202) 231-1193.

SUPPLEMENTARY INFORMATION: The Defense Intelligence Agency notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the record system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendment is not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: May 26, 2006.

C.R. Choate,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

LDIA 0008

SYSTEM NAME:

Vehicle Registration Information Files (February 22, 1993, 58 FR 10613).

CHANGES:

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CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete "civilian contractors" and replace with "military affiliated personnel". Delete "parking permit" and replace with "decal".

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete "home address," and "vehicle identification," and replace with "license tag number."

* * * * *

PURPOSE(S):

Delete "parking permits" and replace with "decals".

* * * * *

STORAGE:

Delete "on a microcomputer" and replace with "electronically in a database".

RETRIEVABILITY:

Delete entry and replace with: "Name, Social Security Number, decal number, or state license tag".

SAFEGUARDS:

Delete entry and replace with:
“Access to records in this system are limited to personnel authorized to handle vehicle registrations and issue parking permits. Building access is controlled and office door is locked during non-duty hours. Electronic records are maintained on a classified and password protected system.”

RETENTION AND DISPOSAL:

Delete last sentence and replace with:
“In the case of automated files, they are deleted from the database.”

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with:
“Building Manager, Building Services Branch, Defense Intelligence Agency, Washington, DC 20340–5100.”

NOTIFICATION PROCEDURE:

Delete entry and replace with:
“Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Freedom of Information Act Office (DAN–1A/FOIA), Defense Intelligence Agency, 200 MacDill Blvd., Washington, DC 20340–5100.

Individuals should provide their full name, current address, telephone number and Social Security Number.”

RECORD ACCESS PROCEDURES:

Delete entry and replace with:
“Individuals seeking access to information about themselves contained in this system should address written inquiries to the Freedom of Information Act Office (SVI–1 DAN–1A/FOIA), Defense Intelligence Agency, 200 MacDill Blvd., Washington, DC 20340–5100.

Individuals should provide their full name, current address, telephone number and Social Security Number.”

CONTESTING RECORD PROCEDURES:

Delete entry and replace with: “DIA’s rules for accessing records, for contesting contents and appealing initial agency determinations are published in DIA Regulation 12–12 ‘Defense Intelligence Agency Privacy Program’; 32 CFR part 319—Defense Intelligence Agency Privacy Program; or may be obtained from the system manager.”

* * * * *

LDIA 0008

SYSTEM NAME:

Vehicle Registration Information Files.

SYSTEM LOCATION:

Defense Intelligence Agency,
Washington, DC 20340–5100.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DIA employees and military affiliated personnel who register vehicles in order to gain entrance to DoD installations and those who may apply for a decal.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual’s name, Social Security Number, license tag number, office symbol, work telephone number, and related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Federal Property and Administrative Services Act of 1949; 10 U.S.C. 8012; 44 U.S.C. 3101; and E.O. 9397.

PURPOSES(S):

To provide a record for control of privately-owned vehicles which are authorized to operate on DoD installations; to assign decals to eligible military and civilian personnel and to maintain a record of decals and vehicle registration data; to identify vehicles and their owners in the event of an emergency or traffic problem.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The “Blanket Routine Uses” set forth at the beginning of the DIA’s compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Application cards, forms, and accountability logs. Data is also stored and maintained electronically in a database.

RETRIEVABILITY:

Name, Social Security Number, decal number, or state license tag.

SAFEGUARDS:

Access to records in this system are limited to personnel authorized to handle vehicle registrations and issue parking permits. Building access is controlled and office door is locked during non-duty hours. Electronic records are maintained on a classified and password protected system.

RETENTION AND DISPOSAL:

Paper records are maintained for one year after departure or loss of eligibility and then destroyed. In the case of automated files, they are deleted from the database.

SYSTEM MANAGER(S) AND ADDRESS:

Building Manager, Building Services Branch, Defense Intelligence Agency, Washington, DC 20340–5100.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Freedom of Information Act Office (DAN–1A/FOIA), Defense Intelligence Agency, 200 MacDill Blvd., Washington, DC 20340–5100.

Individuals should provide their full name, current address, telephone number and Social Security Number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Freedom of Information Act Office (SVI–1 DAN–1A/FOIA), Defense Intelligence Agency, 200 MacDill Blvd., Washington, DC 20340–5100.

Individuals should provide their full name, current address, telephone number and Social Security Number.

CONTESTING RECORD PROCEDURES:

DIA’s rules for accessing records, for contesting contents and appealing initial agency determinations are published in DIA Regulation 12–12 “Defense Intelligence Agency Privacy Program”; 32 CFR part 319—Defense Intelligence Agency Privacy Program; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual concerned, agency officials, Ambassadors, educational institutions, parent service of individual and immediate supervisor on station, and other Government officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 06–5093 Filed 6–2–06; 8:45 am]

BILLING CODE 5001–06–M

DEPARTMENT OF DEFENSE**Defense Intelligence Agency**

[DOD-2006-OS-0119]

Privacy Act of 1974; Systems of Records

AGENCY: Defense Intelligence Agency, DoD.

ACTION: Notice to amend a system of records.

SUMMARY: The Defense Intelligence Agency is amending a system of records notice to its existing inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on July 5, 2006 unless comments are received that would result in a contrary determination.

ADDRESSES: Freedom of Information Office, Defense Intelligence Agency (DAN-1A), 200 MacDill Blvd., Washington, DC 20340-5100.

FOR FURTHER INFORMATION CONTACT: Ms. Theresa Lowery at (202) 231-1193.

SUPPLEMENTARY INFORMATION: The Defense Intelligence Agency notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published at the **Federal Register** and are available from the address above.

The specific changes to the record system being amended as set forth below followed by the notice, as amended, published in its entirety. The proposed amendment is not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: May 26, 2006.

C.R. Choate,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

LDIA 0011

SYSTEM NAME:

Student Information Files (February 22, 1993, 58 FR 10613).

CHANGES:

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SYSTEM LOCATION:

Delete "0001" and replace with: "5100".

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STORAGE:

Delete entry and replace with: "Automated storage on server backed up daily, and manual in paper files."

* * * * *

SAFEGUARDS:

Delete entry and replace with: "Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information. Electronic records are maintained on a classified and password protected system."

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with "President, Joint Military Intelligence College, ATTN: MC, Washington, DC 20340-5100."

NOTIFICATION PROCEDURES:

Delete entry and replace with: "Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Freedom of Information Act Office (DAN-1A/FOIA), Defense Intelligence Agency, 200 MacDill Blvd., Washington, DC 20340-5100.

Individual should provide their full name, current address, telephone number and Social Security Number."

RECORD ACCESS PROCEDURES:

Delete entry and replace with: "Individuals seeking access to information about themselves contained in this system should address written inquiries to the Freedom of Information Act Office—(DAN-1A/FOIA), Defense Intelligence Agency, 200 MacDill Blvd., Washington, DC 20340-5100.

Individual should provide their full name, current address, telephone number and Social Security Number."

CONTESTING RECORD PROCEDURES:

Delete entry and replace with: "DIA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DIA Regulation 12-12 'Defense Intelligence Agency Private Program'; 32 CFR part 319—Defense Intelligence Agency Privacy Program; or may be obtained from the system manager."

* * * * *

LDIA 0011

SYSTEM NAME:

Student Information Files.

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, DC 20340-5100.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former students of the Defense Intelligence College.

CATEGORIES OF RECORDS IN THE SYSTEM:

Student's biographic data and administrative/academic documents related to the student's enrollment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority contained in the National Security Act of 1947, as amended, the Secretary of Defense issued Department of Defense Directive 5105.21 which created the Defense Intelligence Agency as a separate agency of the Department of Defense and charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

PURPOSE(S):

Information pertaining to personnel, past, present and projected assignments, educational background, academic/fitness reports, letters of course completion, rosters, grades and academic transcripts. This information is collected to provide data for managing the student population at the Defense College and for historical documentation.

Information is used to document, monitor, manage, and administer the student's performance at the College.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The "Blanket Routine Uses" set forth at the beginning of the DIA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Automated storage on server backed up daily, and manual in paper files.

RETRIEVABILITY:

Alphabetically by surname of individual.

SAFEGUARDS:

Records are maintained in a building protected by security guards and are

stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information. Electronic records are maintained on a classified and password protected system.

RETENTION AND DISPOSAL:

Registration cards are held 2 years and then retired to the Washington National Records Center. They are destroyed when 25 years old.

SYSTEM MANAGER(S) AND ADDRESS:

President, Joint Military Intelligence College, ATTN: MC, Washington, DC 20340-5100.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Freedom of Information Act Office (DAN-1A/FOIA), Defense Intelligence Agency, 200 MacDill Blvd., Washington, DC 20340-5100.

Individual should provide their full name, current address, telephone number and Social Security Number."

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Freedom of Information Act Office—(DAN-1A/FOIA), Defense Intelligence Agency, 200 MacDill Blvd., Washington, DC 20340-5100.

Individual should provide their full name, current address, telephone number and Social Security Number.

CONTESTING RECORD PROCEDURES:

DIA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DIA Regulation 12-12 "Defense Intelligence Agency Privacy Program"; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual, parent service, educational institutions, previous employees and other Federal agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 06-5094 Filed 6-2-06; 8:45 am]

BILLING CODE 9001-06-M

DEPARTMENT OF DEFENSE

Defense Intelligence Agency

[DOD-2006-OS-0120]

Privacy Act of 1974; Systems of Records

AGENCY: Defense Intelligence Agency, DoD.

ACTION: Notice to amend a system of records.

SUMMARY: The Defense Intelligence Agency is amending a system of records notice to its existing inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on July 5, 2006 unless comments are received that would result in a contrary determination.

ADDRESSES: Freedom of Information Office, Defense Intelligence Agency (DAN-1A), 200 MacDill Blvd., Washington, DC 20340-5100.

FOR FURTHER INFORMATION CONTACT: Ms. Theresa Lowery at (202) 231-1193.

SUPPLEMENTARY INFORMATION: The Defense Intelligence Agency notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the record system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendment is not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: May 26, 2006.

C.R. Choate,
Alternate OSD Federal Register Liaison Officer, Department of Defense.

LDIA 0209

SYSTEM NAME:

Litigation and Disposition Documentation (February 22, 1993, 58 FR 10613).

CHANGES:

SYSTEM LOCATION:

Delete "0001" and replace with: "5100"

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SYSTEM MANAGER(S) AND ADDRESS:

Delete "1029" and replace with: "5100."

NOTIFICATION PROCEDURE:

Delete entry and replace with: "Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Freedom of Information Act Office (DAN-1A/FOIA), Defense Intelligence Agency, 200 MacDill Blvd., Washington, DC 20340-5100.

Individual should provide their full name, current address, telephone number and Social Security Number."

RECORD ACCESS PROCEDURES:

Delete entry and replace with: "Individuals seeking access to information about themselves contained in this system should address written inquiries to the Freedom of Information Act Office (DAN-1A/FOIA), Defense Intelligence Agency, 200 MacDill Blvd., Washington, DC 20340-5100.

Individual should provide their full name, current address, telephone number and Social Security Number."

CONTESTING RECORD PROCEDURES:

Delete entry and replace with: "DIA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DIA Regulation 12-12 'Defense Intelligence Agency Privacy Program'; 32 CFR part 319—Defense Intelligence Agency Privacy Program; or may be obtained from the system manager.

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LDIA 0209

SYSTEM NAME:

Litigation and Disposition Documentation.

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, DC 20340-5100.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Files involving legal and administrative matters involving individuals.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence or legal documentation relating to individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority contained in the National Security Act of 1947, as amended, the Secretary of Defense issued Department of Defense Directive 5105.21 which created the Defense Intelligence Agency as a separate agency of the Department of Defense and charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

PURPOSE(S):

Information is collected pertaining to litigation, disciplinary matters and administrative actions concerning civilian and military personnel. Information is compiled to support various legal-related activities of the Department of Justice, the Office of Personnel Management and the Military Services or adjudicative agencies of the U.S. government as may be necessary or required in the disposition of an individual case.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The "Blanket Routine Uses" set forth at the beginning of the DIA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper records in file folders.

RETRIEVABILITY:

Alphabetically by surname of individual.

SAFEGUARDS:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

RETENTION AND DISPOSAL:

Some records are retired to the Washington National Records Center where they are held for 10 years and then destroyed and others are destroyed when no longer needed for current operations.

SYSTEM MANAGER(S) AND ADDRESS:

The General Counsel, Defense Intelligence Agency, Washington, DC 20340-5100.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Freedom of Information Act Office (DAN-1A/FOIA), Defense Intelligence Agency, 200 MacDill Blvd., Washington, DC 20340-5100.

Individual should provide their full name, current address, telephone number and Social Security Number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Freedom of Information Act Office (DAN-1A/FOIA), Defense Intelligence Agency, 200 MacDill Blvd., Washington, DC 20340-5100.

Individual should provide full name, current address, telephone number and Social Security Number.

CONTESTING RECORD PROCEDURES:

DIA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DIA Regulation 12-12 "Defense Intelligence Agency Privacy Program"; 32 CFR part 319—Defense Intelligence Agency Privacy Program; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Other offices within the DIA and the DoD, the individual involved and other departments and agencies of the Executive Branch.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 06-5095 Filed 6-2-06; 8:45 am]

BILLING CODE 5001-06-M

DEPARTMENT OF DEFENSE**Defense Logistics Agency**

[DOD-2006-OS-0122]

Privacy Act of 1974; Systems of Records

AGENCY: Defense Logistics Agency.

ACTION: Notice to amend a system of records.

SUMMARY: The Defense Logistics Agency is amending a system of records notice to its existing inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This action will be effective without further notice on July 5, 2006 unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060-6221.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Salus at (703) 767-6183.

SUPPLEMENTARY INFORMATION: The Defense Logistics Agency notices for

systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the record system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendment is not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: May 26, 2006.

C.R. Choate,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

S180.15**SYSTEM NAME:**

DLA Hometown News Releases
(November 22, 2005, 70 FR 70592).

CHANGES:

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RETENTION AND DISPOSAL:

Delete entry and replace with:
"Records are destroyed after 90 days."

* * * * *

S180.15**SYSTEM NAME:**

DLA Hometown News Releases.

SYSTEM LOCATION:

Headquarters, Defense Logistics Agency, Public Affairs Office, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060-6221, and the Public Affairs Offices of the Defense Logistics Agency (DLA) Field Activities. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DLA military and civilian employees who request a Hometown News Release.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical information submitted on DD Form 2266, entitled "Hometown News Release Information". Information includes name, local address, last five digits of Social Security Number, branch of service, status, rank, pay grade, gender, newsworthy event, marital status, names and addresses of relatives (parents, stepparents, guardian, aunts/uncles, grandparents, and adult siblings), present unit of assignment, job title, years of military service, education data, and photographs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; and E.O. 9397 (SSN).

PURPOSE(S):

Information is collected and maintained for the purpose of distributing information on activities and accomplishments of DLA military and civilian personnel to hometown newspapers and broadcast stations throughout the United States using the Army and Air Force Hometown News Service. Release of this information is done with the individual's full cooperation and consent.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

Information is released to hometown newspapers and broadcast stations throughout the United States using the Army and Air Force Hometown News Service for the purpose of showcasing the activities and accomplishments of the DLA military or civilian member.

The DoD "Blanket Routine Uses" that appear at the beginning of the DLA's compilation of systems of records apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Records are maintained on paper and on electronic storage media.

RETRIEVABILITY:

Retrieved by individual's name.

SAFEGUARDS:

Records are maintained in a controlled facility. Physical entry is restricted by the use of locks, guards, and is accessible only to authorized personnel. Access to computerized data is restricted by passwords, which are changed periodically. Data sent by DLA Public Affairs Officers to the Army and Air Force Hometown News Service is over a secure connection. Access to records is limited to person(s) responsible for servicing the record in performance of their official duties and who are properly screened and cleared for need-to-know.

RETENTION AND DISPOSAL:

Records are destroyed after 90 days.

SYSTEM MANAGER(S) AND ADDRESS:

Director, DLA Public Affairs, Headquarters, Defense Logistics Agency, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060-6221, and the Heads of the Public Affairs Offices within each DLA Field Activity. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Privacy Act Officer, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060-6221, or the Privacy Act office of the DLA field activity where assigned. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices. Individuals must provide their full name, current address, and telephone number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the Privacy Act Officer, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060-6221, or the Privacy Act office of the DLA field activity where assigned. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices. Individuals must provide their full name, current address, and telephone number.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records, for contesting contents and appealing initial agency determinations are contained in 32 CFR part 323, or may be obtained from the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060-6221.

RECORD SOURCE CATEGORIES:

Information is obtained from the record subject.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 06-5097 Filed 6-2-06; 8:45 am]

BILLING CODE 5001-06-M

DEPARTMENT OF DEFENSE**Defense Logistics Agency**

[DOD-2006-OS-0123]

Privacy Act of 1974; Systems of Records

AGENCY: Defense Logistics Agency.

ACTION: Notice to amend a system of records.

SUMMARY: The Defense Logistics Agency is amending a system of records notice to its existing inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This action will be effective without further notice on July 5, 2006 unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060-6221.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Salus at (703) 767-6183.

SUPPLEMENTARY INFORMATION: The Defense Logistics Agency notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the record system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendment is not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: May 26, 2006.

C.R. Choate,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

S600.20 MMDI**SYSTEM NAME:**

Firefighter/Emergency Medical Technician (EMT) Records (September 22, 1993, 58 FR 49290).

CHANGES:**SYSTEM IDENTIFIER:**

Delete "MMDI" from entry.

SYSTEM NAME:

Delete entry and replace with: "DLA Fire and Emergency Services Program Records."

SYSTEM LOCATION:

Delete entry and replace with: "Defense Logistics Agency Field

Activities. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices."

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

Add to entry: "**Note:** Any information relating to an individual's religious preference is collected and maintained only if the individual has made an informed decision to voluntarily provide the information."

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with: "5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; DoD Instruction 6055.6, DoD Fire and Emergency Services Program; and E.O. 9397 (SSN)."

PURPOSE(S):

Delete entry and replace with: "Records are used to manage the DLA Fire and Emergency Services Program, and to provide data concerning the professional qualifications, training requirements, and health and readiness of the DLA Field Activity firefighters and emergency medical technicians. Records are also used for identification and emergency notification in case of accident or casualty."

* * * * *

SAFEGUARDS:

Delete entry and replace with: "Records are accessible only to the custodian of the records or by persons responsible for servicing the record system in performance of their official duties. Electronic files are deployed on accredited systems with access restricted to authorized users. Records are stored in locked cabinets or rooms and are controlled by personnel screening and computer software. All individuals granted access to this system of records have received Privacy Act training."

RETENTION AND DISPOSAL:

Delete entry and replace with: "Disposition pending. Until the National Archives and Records Administration has approved the disposition of these records, treat them as permanent."

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with: "Heads of the Defense Logistics Agency Field Activities. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices."

NOTIFICATION PROCEDURE:

Delete entry and replace with: "Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Privacy Act Officer of the particular Defense Logistics Agency Field Activity involved. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices."

Individual should provide their full name, Social Security number, employee number, and/or station number."

RECORD ACCESS PROCEDURES:

Delete entry and replace with: "Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the Privacy Act Officer of the particular Defense Logistics Agency Field Activity involved. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices."

Individual should provide their full name, Social Security number, employee number, and/or station number."

CONTESTING RECORD PROCEDURES:

Delete entry and replace with: "The DLA rules for accessing records, for contesting contents, and appealing initial agency determinations are contained in 32 CFR part 323, or may be obtained from the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060-6221."

* * * * *

S600.20

SYSTEM NAME:

DLA Fire and Emergency Services Program Records.

SYSTEM LOCATION:

Defense Logistics Agency Field Activities. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals assigned firefighting and emergency medical technician duties within the Defense Logistics Agency.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, Social Security number, home address and telephone number, education and training data,

professional certifications, emergency notification data, religion, and driver's license number and expiration date. File also contains personal health information such as physical limitations, allergies, medications, height, weight, blood type, need for eye glasses or contact lenses, tobacco use, and health insurance data.

Note: Any information relating to an individual's religious preference is collected and maintained only if the individual has made an informed decision to voluntarily provide the information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; DoD Instruction 76055.6, DoD Fire and Emergency Services Program; and E.O. 9397 (SSN).

PURPOSE(S):

Records are used to manage the DLA Fire and Emergency Services Program, and to provide data concerning the professional qualifications, training requirements, and health and readiness of the DLA Field Activity firefighters and emergency medical technicians. Records are also used for identification and emergency notification in case of accident or casualty.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To local fire departments for training or assistance in firefighting operations.

To local hospitals and medical personnel for emergency treatment in case of accident or casualty.

To Federal and nonfederal schools, academies, and similar institutions for training or certification purposes.

To the General Services Administration and the U.S. Departments of Interior and Agriculture when responding to forest, acreage, or building fires or emergencies on federally owned or controlled property.

To the Environmental Protection Agency in situations involving hazardous materials or chemical, biological, radiological, nuclear, and explosives incidents.

To Federal, state, or local disaster relief agencies for mutual aid.

The DoD "Blanket Routine Uses" set forth at the beginning of DLA's

compilation of systems of records notices apply to this record system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on paper and electronic storage media.

RETRIEVABILITY:

Records are retrieved by individual's name, Social Security number, employee number, and/or station number.

SAFEGUARDS:

Records are accessible only to the custodian of the records or by persons responsible for servicing the record system in performance of their official duties. Electronic files are deployed on accredited systems with access restricted to authorized users. Records are stored in locked cabinets or rooms and are controlled by personnel screening and computer software. All individuals granted access to this system of records have received Privacy Act training.

RETENTION AND DISPOSAL:

Disposition is pending. Until the National Archives and Records Administration has approved the disposition of these records, treat them as permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Heads of the Defense Logistics Agency Field Activities. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Privacy Act Officer of the particular Defense Logistics Agency Field Activity involved. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Individual should provide their full name, Social Security number, employee number, and/or station number.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records, for contesting contents, and appealing initial agency determinations are contained in 32 CFR part 323, or may be obtained from the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060-6221.

RECORD SOURCE CATEGORIES:

Information is provided by the record subject, training and educational institutions, and medical records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 06-5098 Filed 6-2-06; 8:45 am]

BILLING CODE 5001-06-M

DEPARTMENT OF DEFENSE

Defense Logistics Agency

[DOD-2006-OS-0124]

Privacy Act of 1974; Systems of Records

AGENCY: Defense Logistics Agency.

ACTION: Notice to amend a system of records.

SUMMARY: The Defense Logistics Agency is amending a system of records notice to its existing inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This action will be effective without further notice on July 5, 2006, unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060-6221.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Salus at (703) 767-6183.

SUPPLEMENTARY INFORMATION: The Defense Logistics Agency notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the record system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendment is not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: May 26, 2006.

C.R. Choate,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

S322.01 DMDC

SYSTEM NAME:

Defense Outreach Referral System (DORS) (May 19, 1999, 64 FR 27238).

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete second paragraph.

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RETENTION AND DISPOSAL:

Delete entry and replace with: "Delete when 5 years old or when no longer needed for operational purposes, whichever is later."

* * * * *

NOTIFICATION PROCEDURE:

Delete entry and replace with: "Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060-6221."

RECORD ACCESS PROCEDURES:

Delete entry and replace with: "Individuals seeking access to information about themselves contained in this system should address written inquiries to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060-6221."

Written requests for information should contain the full name, Social Security Number, date of birth, and current address and telephone number of the individual."

CONTESTING RECORD PROCEDURES:

Delete entry and replace with: "The DLA rules for accessing records, for contesting contents, and appealing initial agency determinations are contained in 32 CFR part 323, or may be obtained from the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060-6221."

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S322.01 DMDC

SYSTEM NAME:

Defense Outreach Referral System (DORS).

SYSTEM LOCATION:

Naval Postgraduate School Computer Center, Naval Postgraduate School, Monterey, CA 93943-5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former Defense military and civilian personnel and their spouses; U.S. Coast Guard personnel

and their spouses; and participating Federal department's and/or agencies' civilian employees and their spouses who have applied to take part in this job placement program.

Individuals covered under Public Laws 102-484 and 103-337, who have applied for public employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Computerized records consisting of name, Social Security Number, correspondence address, branch of service, date of birth, separation status, travel availability, U.S. citizenship, occupational interests, geographic location work preferences, pay grade, rank, last unit of assignment, educational levels, dates of military or civilian service, language skills, flying status, security clearances, civilian and military occupation codes, and self reported personal comments for the purpose of providing prospective employers with a centralized system for locating potential employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; 10 U.S.C. 1143 and 1144; 10 U.S.C. 2358; 31 U.S.C. 1535; Pub. L. 101-510, 102-484 and 103-337; and E.O. 9397 (SSN).

PURPOSE(S):

The purpose of this system is to facilitate the transition of current and former Defense military and their spouses; U.S. Coast Guard personnel and their spouses; and participating Federal department's and/or agencies' civilian employees and their spouses to private industry and public employment in the event of a downsizing of the Department of Defense and the Federal Government.

For former military members covered under Public Law 102-484 and Public Law 103-337, the information will be used to track the participant's public employment and to verify the participant's public employment history for DoD and DoT retirement and pay eligibility.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

DoD "Blanket Routine Uses" set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES OF STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic storage.

RETRIEVABILITY:

Retrieved by Social Security Number of occupational or geographic preference of the individual.

SAFEGUARDS:

Access to data at all locations is restricted to those who require the records in the performance of their official duties. Access is further restricted by the use of passwords which are changed periodically. Physical entry is restricted by the use of locks, guards, and administrative procedures.

RETENTION AND DISPOSAL:

Delete when 5 years old or when no longer needed for operational purposes, whichever is later.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Defense Manpower Data Center, 1600 Wilson Boulevard, Suite 400, Arlington, VA 22209-2593.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060-6221.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060-6221.

Written requests for information should contain the full name, Social Security Number, date of birth, and current address and telephone number of the individual.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records, for contesting contents, and appealing initial agency determinations are contained in 32 CFR part 323, or may be obtained from the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060-6221.

RECORD SOURCE CATEGORIES:

The Military Services, DoD Components, the U.S. Coast Guard,

participating Federal departments and/or agencies, and from the subject individual via application into the program.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 06-5099 Filed 6-2-06; 8:45 am]

BILLING CODE 5001-06-M

DEPARTMENT OF DEFENSE

Defense Logistics Agency

[DoD-2006-OS-0125]

Privacy Act of 1974; Systems of Records

AGENCY: Defense Logistics Agency.

ACTION: Notice to amend a system of records.

SUMMARY: The Defense Logistics Agency is amending a system of records notice to its existing inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This action will be effected without further notice on July 5, 2006 unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060-6221.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Salus at (703) 767-6183.

SUPPLEMENTARY INFORMATION: The Defense Logistics notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the record system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendment is not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of a new altered system report.

Dated: May 26, 2006.

C.R. Choate,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

S322.05 DMDC

SYSTEM NAME:

Noncombatant Evacuation and Repatriation Data Base (May 7, 1999, 64 FR 24626).

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with:
 "Defense Manpower Data Center, DoD Center Monterey Bay, 400 Gigling Road, Seaside, CA 93955-6771. Information may be accessed by remote terminals at the repatriation centers. The location of the repatriation centers can be obtained from the System manager listed below."

* * * * *

RETENTION AND DISPOSAL:

Delete entry and replace with:
 "Master file, system documentation, codebooks, record layouts, and other system documentation are permanent. Inputs/Source Records are deleted and/or destroyed after data have been entered into the master file or when no longer needed for operational purposes, whichever is later. Summary reports (electronic or paper) are deleted and/or destroyed when no longer needed for operational purposes."

* * * * *

NOTIFICATION PROCEDURE:

Delete entry and replace with:
 "Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060-6221."

RECORD ACCESS PROCEDURES:

Delete entry and replace with:
 "Individuals seeking access to information about themselves is contained in this system should address written inquiries to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060-6221."

Written inquiry should contain the full name, Social Security Number, date of birth, and current address and telephone number of the individual."

CONTESTING RECORD PROCEDURES:

Delete entry and replace with: "The DLA rules for accessing records, for contesting contents, and appealing initial agency determinations are contained in 32 CFR part 323, or may be obtained from the Privacy Officer, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060-6221."

* * * * *

S322.05 DMDC**SYSTEM NAME:**

Noncombatant Evacuation and Repatriation Data Base.

SYSTEM LOCATION:

Defense Manpower Data Center, DoD Center Monterey Bay, 400 Gigling Road, Seaside, CA 93955-6771. Information may be accessed by remote terminals at the repatriation centers. The location of the repatriation centers can be obtained from the System manager listed below.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All noncombatant evacuees including service members, their dependents, DoD and non-DoD employees and dependents, U.S. residents abroad, foreign nationals and corporate employees and dependents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Social Security Number, name, date of birth, passport number, country of citizenship, marital status, gender, employer, destination address and type of assistance needed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 12656, Assignment of Emergency Preparedness Responsibilities, November 18, 1988; DoD Directive 3025.14, Protection and Evacuation of U.S. Citizens and Designated Aliens in Danger Areas Abroad; and E.O. 9397 (SSN).

PURPOSE(S):

The records are maintained for the purposes of tracking and accounting for individuals evacuated from emergency situations in foreign countries, securing relocation and assistance services, and assessing and recovering relocation costs.

ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To individuals who have been evacuated but who have been separated from their family and/or spouse. Information will be released to the individual indicating where the family member was evacuated from and final destination.

To Department of State to plan and monitor evacuation effectiveness and need for services and to verify the number of people by category who have been evacuated.

To the American Red Cross so that upon receipt of information from a repatriation center that a DoD family has arrived safely in the U.S., the Red Cross may notify the service member (sponsor) still in the foreign country that his/her family has safely arrived in the United States.

To the Immigration and Naturalization Service to track and make contact with all foreign nationals who have been evacuated to the U.S.

To the Department of Health and Human Services for purposes of giving financial assistance and recoupment of same. To identify individuals who might arrive with an illness which would require quarantine.

The DoD "Blanket Routine Uses" set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Electronic and hard copy storage.

RETRIEVABILITY:

Retrieved by name, Social Security Number, or location of evacuation point or repatriation center.

SAFEGUARDS:

Computerized records are maintained in a controlled area accessible only to authorized personnel. At Defense Manpower Data Center (DMDC), entry to these areas is restricted by the use of locks, guards, and administrative procedures. Access to personal information is limited to those who require the records in the performance of their official duties. Access to personal information is further restricted by the use of passwords which are changed periodically.

RETENTION AND DISPOSAL:

Master file, system documentation, codebooks, record layouts, and other system documentation are permanent. Inputs/Source Records are deleted and/or destroyed after data have been entered into the master file or when no longer needed for operational purposes, whichever is later. Summary reports (electronic or paper) are deleted and/or destroyed when no longer needed for operational purposes.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Defense Manpower Data Center, 1600 Wilson Boulevard, Suite 400, Arlington, VA 22209-2593.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves

is contained in this system should address written inquiries to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060-6221.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060-6221.

Written inquiry should contain the full name, Social Security Number, date of birth, and current address and telephone number of the individual.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records, for contesting contents, and appealing initial agency determinations are contained in 32 CFR part 323, or may be obtained from the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060-6221.

RECORD SOURCE CATEGORIES:

The Military Services, DoD Components, and from individuals via application.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 06-5100 Filed 6-2-06; 8:45 am]

BILLING CODE 5001-06-M

DEPARTMENT OF DEFENSE

Defense Logistics Agency

[DOD-2006-OS-0126]

Privacy Act of 1974; Systems of Records

AGENCY: Defense Logistics Agency.

ACTION: Notice to amend a system of records.

SUMMARY: The Defense Logistics Agency is amending a system of records notice to its existing inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This action will be effective without further notice on July 5, 2006 unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060-6221.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Salus at (703) 767-6183.

SUPPLEMENTARY INFORMATION: The Defense Logistics Agency notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the record system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendment is not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: May 26, 2006.

C.R. Choate,

Alternative OSD Federal Register Liaison Officer, Department of Defense.

S322.09 DMDC

SYSTEM NAME:

Joint Duty Assignment Management Information System (May 28, 1999, 64 FR 29008).

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with: "Defense Manpower Data Center, DoD Center Monterey Bay, 400 Gigling Road, Seaside, CA 93955-6771."

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete "required tour length" and replace with: "tour length."

* * * * *

RETENTION AND DISPOSAL:

Delete entry and replace with: "Delete when 5 years old or when no longer needed for operational purposes, whichever is later."

* * * * *

NOTIFICATION PROCEDURE:

Delete entry and replace with: "Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060-6221."

RECORD ACCESS PROCEDURES:

Delete entry and replace with: "Individuals seeking access to information about themselves contained in this system should address written inquiries to the Privacy Act Officer,

Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060-6221."

CONTESTING RECORD PROCEDURES:

Delete entry and replace with: "The DLA rules for accessing records, for contesting contents, and appealing initial agency determinations are contained in 32 CFR part 323, or may be obtained from the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060-6221."

* * * * *

S322.09 DMDC

SYSTEM NAME:

Joint Duty Assignment Management Information System.

SYSTEM LOCATION:

Defense Manpower Data Center, DoD Center Monterey Bay, 400 Gigling Road, Seaside, CA 93955-6771.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All active duty officers who are serving or have served in billets designated as joint duty assignment positions; are attending or have completed joint professional military education schools; are joint specialty officers or nominees.

CATEGORIES OF RECORDS IN THE SYSTEM:

The information on billets include service, unit identification code, tour length, rank, job title, skill and critical billet. Information on individuals includes social security number, joint duty qualification, departure reason, joint professional military education status, service, occupation, gender, date of rank and duty station.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; 10 U.S.C. 667, Annual Report to Congress; and E.O. 9397 (SSN).

PURPOSE(S):

To allow the Department of Defense to monitor Joint Duty Assignment positions and personnel and to report to the Congress as required by Title IV, Chapter 38, Section 667 (Annual Report to Congress) of the DoD Reorganization Act of 1986; Public Law 99-433.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records

or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD "Blanket Routine Uses" set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on disk.

RETRIEVABILITY:

Records may be retrieved by individual identifier such as Social Security Number or by demographic characteristic.

SAFEGUARDS:

Computerized records are maintained in a controlled area accessible only to authorized personnel. Entry to these areas is restricted by the use of locks, guards, and administrative procedures. Access to personal information is limited to those who require the records in the performance of their official duties. Access to personal information of their official duties. Access to personal information is further restricted by the use of passwords which are changed periodically.

RETENTION AND DISPOSAL:

Delete when 5 years old or when no longer needed for operational purposes, whichever is later.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Defense Manpower Data Center, 1600 Wilson Boulevard, Suite 400, Arlington, VA 22209-2593.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060-6221.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060-6221.

Written inquiry should contain the full name, Social Security Number, current address and telephone number of the individual.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records, for contesting contents, and appealing initial agency determinations are contained in 32 CFR part 323, or may be obtained from the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060-6221.

RECORD SOURCE CATEGORIES:

The military services and Office of the Joint Chiefs of Staff.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 06-5101 Filed 6-2-06; 8:45 am]

BILLING CODE 5001-06-M

DEPARTMENT OF DEFENSE

Defense Logistics Agency

[DOD-2006-OS-0127]

Privacy Act of 1974; Systems of Records

AGENCY: Defense Logistics Agency.

ACTION: Notice to amend a system of records.

SUMMARY: The Defense Logistics Agency is amending a system of records notice to its existing inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This action will be effective without further notice on July 5, 2006 unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060-6221.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Salus at (703) 767-6183.

SUPPLEMENTARY INFORMATION: The Defense Logistics Agency notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the record system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendment is not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: May 26, 2006.

C.R. Choate,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

S322.35 DMDC

SYSTEM NAME:

Survey and Census Data Base (August 27, 1999, 64 FR 46889).

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete second paragraph.

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Add to entry "5 U.S.C. 7101 Note, Employee Surveys (Pub. L. 108-136, Sec. 1128) and 10 U.S.C. 481, Racial and Ethnic Issues; Gender Issues: Surveys."

* * * * *

RETENTION AND DISPOSAL:

Delete entry and replace with: "Master file, system documentation, codebooks, record layouts, and other system documentation are permanent. Survey questionnaires and census forms (inputs/source records) are destroyed after computer records have been created and validated. Summary reports (electronic or paper) are deleted and/or destroyed when no longer needed for operational purposes."

* * * * *

NOTIFICATION PROCEDURE:

Delete entry and replace with: "Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060-6221.

Written requests should contain the full name, Social Security Number, and current address and telephone numbers of the individual. In addition, the approximate date and location where the survey was completed should be provided."

RECORD ACCESS PROCEDURES:

Delete entry and replace with: "Individuals seeking access to information about themselves contained in this system should address written inquiries to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060-6221.

Written requests should contain the full name, Social Security Number, and current address and telephone numbers

of the individual. In addition, the approximate date and location where the survey was completed should be provided.”

CONTESTING RECORD PROCEDURES:

Delete entry and replace with: “The DLA rules for accessing records, for contesting contents, and appealing initial agency determinations are contained in 32 CFR part 323, or may be obtained from the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060–6221.”

* * * * *

S322.35 DMDC

SYSTEM NAME:

Survey and Census Data Base.

SYSTEM LOCATION:

Naval Postgraduate School Computer Center, Naval Postgraduate School, Monterey, CA 93943–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who completed census or survey forms, including military members, civilians, persons eligible for DoD benefits, men and women of military age, and applicants to the military services.

CATEGORIES OF RECORDS IN THE SYSTEM:

Survey responses and census information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7101 Note, Employee Surveys (Pub. L. 108–136, Sec. 1128); 10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; 10 U.S.C. 481, Racial and Ethnic Issues; Gender Issues; Surveys; 10 U.S.C. 1782, Surveys of Military Families; 10 U.S.C. 2358, Research and Development Projects; DoD Directive 5124.2, Under Secretary of Defense for Personnel and Readiness (USD(P&R)); and E.O. 9397 (SSN).

PURPOSE(S):

The purposes of the system are to count DoD personnel and beneficiaries for evacuation planning, apportionment when directed by oversight authority and for other policy planning purposes, and to obtain characteristic information on DoD personnel and households to support manpower and benefits research; to sample attitudes and/or discern perceptions of social problems observed by DoD personnel and to support other manpower research activities; to sample attitudes toward enlistment in and determine reasons for enlistment decisions. This information

is used to support manpower research sponsored by the Department of Defense and the military services.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The information may be used to support manpower research sponsored by other Federal agencies.

The DoD “Blanket Routine Uses” set forth at the beginning of DLA’s compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic computer tape.

RETRIEVABILITY:

Records can be retrieved by Social Security Number; by institutional affiliation such as service membership; and by individual characteristics such as educational level.

SAFEGUARDS:

Access to data at all locations is restricted to those who require the records in the performance of their official duties. Access is further restricted by the use of passwords which are changed periodically. Physical entry is restricted by the use of locks, guards, and administrative procedures.

RETENTION AND DISPOSAL:

Master file, system documentation, codebooks, record layouts, and other system documentation are permanent. Survey questionnaires and census forms (inputs/source records) are destroyed after computer records have been created and validated. Summary reports (electronic or paper) are deleted and/or destroyed when no longer needed for operational purposes.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Defense Manpower Data Center, 1600 Wilson Boulevard, Suite 400, Arlington, VA 22209–2593.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John

J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060–6221.

Written requests should contain the full name, Social Security Number, and current address and telephone number of the individual. In addition, the approximate date and location where the survey was completed should be provided.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060–6221.

Written requests should contain the full name, Social Security Number, and current address and telephone numbers of the individual. In addition, the approximate date and location where the survey was completed should be provided.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records, for contesting contents, and appealing initial agency determinations are contained in 32 CFR part 323, or may be obtained from the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060–6221.

RECORD SOURCE CATEGORIES:

The survey and census information is provided by the individual; additional data obtained from Federal records are linked to individual cases in some data sets.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 06–5102 Filed 6–2–06; 8:45 am]

BILLING CODE 5001–06–M

DEPARTMENT OF DEFENSE

Department of the Navy

[DOD–2006–05–0121]

Privacy Act of 1974; Systems of Records

AGENCY: Department of the Navy, DoD.

ACTION: Notice to amend systems of records.

SUMMARY: The Department of the Navy is amending a system of records notice in its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on July

5, 2006 unless comments are received which result in a contrary determination.

ADDRESSES: Send comments to the Department of the Navy, PA/FOIA Policy Branch, Chief of Naval Operations (DNS-36), 2000 Navy Pentagon, Washington, DC 20350-2000.

FOR FURTHER INFORMATION CONTACT: Mrs. Doris Lama at (202) 685-6545.

SUPPLEMENTARY INFORMATION: The Department of the Navy systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the record system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: May 26, 2006.

C.R. Choate,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

NO7200-1

SYSTEM NAME:

Navy Morale, Welfare, and Recreation Debtors List (September 8, 2003, 68 FR 52911).

CHANGES:

* * * * *

SYSTEM LOCATION:

Add the following entry: "Local Morale, Welfare, and Recreation Offices/Visitors Quarters/ Civilian Fund Business Offices that fall under the Commanding Officer of an installation. Official mailing addresses are published in the Standard Navy Distribution List that is available at <http://neds.daps.dla.mil/sndl.htm>."

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with: "Policy official: Commander, Navy Installations (Finance Department) Millington Detachment, 5720 Integrity Drive, Millington, TN 38055-6500. Record holder: Local Morale, Welfare, and Recreation Offices/Visitors Quarters/ Civilian Fund Business Offices that fall under the Commanding Officer of an installation. Official mailing addresses are published in the Standard Navy Distribution List that is available at <http://neds.daps.dla.mil/sndl.htm>."

NOTIFICATION PROCEDURE:

Delete entry and replace with: "Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the local Morale, Welfare, and Recreation Office/Visitors Quarters/Civilian Fund Business Office at the installation where they obtained services or to the System Manager. Official mailing addresses are published in the Standard Navy Distribution List that is available at <http://neds.daps.dla.mil/sndl.htm>."

In the initial inquiry, the requester must provide full name, Social Security Number, date of transaction, and the activity where they had their dealings. A list of other offices the requester may visit will be provided after initial contact is made at the office listed above. At the time of a personal visit, requesters must provide proof of identity containing the requester's signature."

RECORD ACCESS PROCEDURES:

Delete entry and replace with: "Individuals seeking access to records about themselves should address written inquiries to the local Morale, Welfare, and Recreation Office/Visitors Quarters/Civilian Fund Business Office at the installation where they obtained services or to the System Manager. Official mailing addresses are published in the Standard Navy Distribution List that is available at <http://neds.daps.dla.mil/sndl.htm>."

In the initial inquiry, the requester must provide full name, Social Security Number, date of transaction, and the activity where they had their dealings. A list of other offices the requester may visit will be provided after initial contact is made at the office listed above. At the time of a personal visit, requesters must provide proof of identity containing the requester's signature."

* * * * *

NO7200-1

SYSTEM NAME:

Navy Morale, Welfare, and Recreation Debtors List.

SYSTEM LOCATION:

Local Morale, Welfare, and Recreation Offices/Visitors Quarters/ Civilian Fund Business Offices that fall under the Commanding Officer of an installation. Official mailing addresses are published in the Standard Navy Distribution List that is available at <http://neds.daps.dla.mil/sndl.htm>."

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who owe money to Navy Morale, Welfare and Recreation (MWR) facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copy of application, dunning notices, DD Form 139s, correspondence from responsible MWR Business Office, Bad Check System (including: Returned Check Ledger; Returned Check Report; copies of returned checks; bank advice relative to the returned check(s); correspondence relative to attempt by Navy MWR to locate the patron and/or obtain payment; a printed report of names of those persons who have not made full restitution promptly, or who have had one or more checks returned through their own fault or negligence); Accounts Receivable Ledger, detailed by patron; and Treasury Offset Program (TOP) accounts.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5013, Secretary of the Navy; 31 FR 285.11, Administrative Wage Garnishment; Federal Claims Collection Act of 1966 (Pub.L. 89-508) and Debt Collection Act of 1982 (Pub.L. 97-365); and E.O. 9397 (SSN).

PURPOSE(S):

To maintain an automated tracking and accounting system for individuals indebted to the Department of the Navy's Morale, Welfare and Recreation (MWR) facilities for the purpose of collecting debts.

Records in this system are subject to use in approved computer matching programs authorized under the Privacy Act of 1974, as amended, for debt collection purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To a commercial credit reporting agency for the purpose of either adding to a credit history file or obtaining a credit history file for use in the administration of debt collection.

To a debt collection agency for the purpose of collection services to recover indebtedness owed to the Department of the Navy.

To the Internal Revenue Service (IRS) to obtain the mailing address of a taxpayer for the purpose of locating such taxpayer to collect or to compromise a Federal claim by Navy

against the taxpayer pursuant to 26 U.S.C. 6103(m)(2) and in accordance with 31 U.S.C. 3711, 3217, and 3718.

To any State and local governmental agency that employs the services of others and that pays their wages or salaries, where the employee owes a delinquent non-tax debt to the United States for the purpose of garnishment.

To the Department of the Treasury, Financial Management Service, for the purpose of collecting delinquent debts owed to the U.S. Government via administrative offset.

Note: Rediscovery of a mailing address from the IRS may be made only for the purpose of debt collection, including to a debt collection agency in order to facilitate the collection or compromise of a Federal claim under the Debt Collection Act of 1982, except that a mailing address to a consumer reporting agency is for the limited purpose of obtaining a commercial credit report on the particular taxpayer. Any such address information obtained from the IRS will not be used or shared for any other Navy purpose or disclosed to another Federal, State or local agency which seeks to locate the same individual for its own debt collection purpose.

The DoD "Blanket Routine Uses" that appear at the beginning of the Navy's compilation of systems notices also apply to this system.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act, 15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966, 31 U.S.C. 3701(a)(3). The purpose of the disclosure is to aid in the collection of outstanding debts owed to the Federal Government; typically, to provide an incentive for debtors to repay delinquent Federal Government debts by making these debts part of their credit records.

The disclosure is limited to information necessary to establish the identity of the individual, including name, address, and taxpayer identification number (Social Security Number); the amount, status, and history of the claim; and the agency or program under which the claim arose.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Mainframe magnetic tapes, disk drives, printed reports, file folders, and PC hard and floppy disks.

RETRIEVABILITY:

Name and Social Security Number.

SAFEGUARDS:

Information is stored in locked file cabinets, supervised office space, supervised computer tape library that is accessible only through the data center, entry to which is controlled by a "cardpad" security system, for which only authorized personnel are given the access code. PC entry into the system may only be made through individual passwords.

SYSTEM MANAGER(S) AND ADDRESS:

Policy official: Commander, Navy Installations (Finance Department) Millington Detachment, 5720 Integrity Drive, Millington, TN 38055-6500.

Record holder: Local Morale, Welfare, and Recreation Offices/Visitors Quarters/Civilian Fund Business Offices that fall under the Commanding Officer of an installation. Official mailing addresses are published in the Standard Navy Distribution List that is available at <http://neds.daps.dla.mil/sndl.htm>.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the local Morale, Welfare, and Recreation Office/Visitors Quarters/Civilian Fund Business Office at the installation where they obtained services or to the System Manager. Official mailing addresses are published in the Standard Navy Distribution List that is available at <http://neds.daps.dla.mil/sndl.htm>.

In the initial inquiry, the requester must provide full name, Social Security Number, date of transaction, and the activity where they had their dealings. A list of other offices the requester may visit will be provided after initial contact is made at the office listed above. At the time of a personal visit, requesters must provide proof of identity containing the requester's signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves should address written inquiries to the local Morale, Welfare, and Recreation Office/Visitors Quarters/Civilian Fund Business Office at the installation where they obtained services or to the System Manager. Official mailing addresses are published in the Standard Navy Distribution List that is available at <http://neds.daps.dla.mil/sndl.htm>.

In the initial inquiry, the requester must provide full name, Social Security Number, date of transaction, and the activity where they had their dealings. A list of other offices the requester may visit will be provided after initial

contact is made at the office listed above. At the time of a personal visit, requesters must provide proof of identity containing the requester's signature.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The individual; the bank involved; activity records; Internal Revenue Service; credit bureaus; the Defense Manpower Data Center; and the Department of the Treasury.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 06-5096 Filed 6-2-06; 8:45 am]

BILLING CODE 5001-06-M

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Energy Information Administration (EIA), Department of Energy (DOE).

ACTION: Agency information collection activities: proposed collection; comment request.

SUMMARY: The EIA is soliciting comments on the proposed three-year extension to the following Petroleum Supply Forms:

- EIA-800, "Weekly Refinery and Fractionator Report,"
- EIA-801, "Weekly Bulk Terminal Report,"
- EIA-802, "Weekly Product Pipeline Report,"
- EIA-803, "Weekly Crude Oil Stocks Report,"
- EIA-804, "Weekly Imports Report,"
- EIA-805, "Weekly Terminal Blenders Report,"
- EIA-810, "Monthly Refinery Report,"
- EIA-811, "Monthly Bulk Terminal Report,"
- EIA-812, "Monthly Product Pipeline Report,"
- EIA-813, "Monthly Crude Oil Report,"
- EIA-814, "Monthly Imports Report,"
- EIA-815, "Monthly Terminal Blenders Report,"
- EIA-816, "Monthly Natural Gas Liquids Report,"

EIA-817, "Monthly Tanker and Barge Movement Report,"
 EIA-819, "Monthly Oxygenate Report,"
 and
 EIA-820, "Annual Refinery Report"

DATES: Comments must be filed by August 4, 2006. If you anticipate difficulty in submitting comments within that period, contact the person listed below as soon as possible.

ADDRESSES: Send comments to Stefanie Palumbo. To ensure receipt of the comments by the due date, submission by FAX (202-586-5846) or e-mail (stefanie.palumbo@eia.doe.gov) is recommended. The mailing address is Petroleum Division, EI-42, Forrestal Building, U.S. Department of Energy, Washington, DC 20585. Alternatively, Stefanie Palumbo may be contacted by telephone at 202-586-6866.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of any forms and instructions should be directed to Stefanie Palumbo at the address listed above.

SUPPLEMENTARY INFORMATION:

- I. Background
- II. Current Actions
- III. Request for Comments

I. Background

The Federal Energy Administration Act of 1974 (Pub. L. 93-275, 15 U.S.C. 761 et seq.) and the DOE Organization Act (Pub. L. 95-91, 42 U.S.C. 7101 et seq.) require the EIA to carry out a centralized, comprehensive, and unified energy information program. This program collects, evaluates, assembles, analyzes, and disseminates information on energy resource reserves, production, demand, technology, and related economic and statistical information. This information is used to assess the adequacy of energy resources to meet near and longer term domestic demands.

The EIA, as part of its effort to comply with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. Chapter 35), provides the general public and other Federal agencies with opportunities to comment on collections of energy information conducted by or in conjunction with the EIA. Any comments received help the EIA to prepare data requests that maximize the utility of the information collected, and to assess the impact of collection requirements on the public. Also, the EIA will later seek approval by the Office of Management and Budget (OMB) under section 3507(a) of the Paperwork Reduction Act of 1995.

The weekly petroleum supply surveys (Forms EIA-800, EIA-801, EIA-802, EIA-803, EIA-804, and EIA-805) are

designed to highlight information on petroleum refinery operations, inventory levels, and imports of selected petroleum products in a timely manner. The information appears in the publications listed below and is also available electronically through the Internet at <http://www.eia.doe.gov/>.

Publications: Internet only publications are the *Weekly Petroleum Status Report*, *Short-Term Energy Outlook*, and *This Week in Petroleum*. Hardcopy and Internet publications are the *Monthly Energy Review* (DOE/EIA-0035) and the *Annual Energy Outlook* (DOE/EIA-0383).

The monthly petroleum supply surveys (Forms EIA-810, EIA-811, EIA-812, EIA-813, EIA-814, EIA-815, EIA-816, EIA-817, and EIA-819) are designed to provide statistically reliable and comprehensive information not available from other sources to EIA, other Federal agencies, and the private sector for use in forecasting, policy making, planning, and analysis activities. The information appears in the publications listed below and is also available electronically through the Internet at <http://www.eia.doe.gov/>.

Publications: Internet only publications are the *Weekly Petroleum Status Report*, *Petroleum Supply Monthly*, *Petroleum Supply Annual*, and *Short-Term Energy Outlook*. Hardcopy and internet publications are the *Monthly Energy Review* (DOE/EIA-0035), the *Annual Energy Review* (DOE/EIA-0384), and the *Annual Energy Outlook* (DOE/EIA-0383).

The annual petroleum supply survey (Form EIA-820) provides data on the operations of all operating and idle petroleum refineries (including new refineries under construction), blending plants, refineries shutdown with useable storage capacity, and refineries shutdown during the previous year. The information appears in the *Petroleum Supply Annual* and is available electronically through the Internet at <http://www.eia.doe.gov/>.

II. Current Actions

The EIA will request a three-year extension of the collection approval for each of the above-referenced surveys with no changes to previously approved collections.

III. Request for Comments

Prospective respondents and other interested parties should comment on the actions discussed in item II. The following guidelines are provided to assist in the preparation of comments. Please indicate to which form(s) your comments apply.

General Issues

A. Is the proposed collection of information necessary for the proper performance of the functions of the agency and does the information have practical utility? Practical utility is defined as the actual usefulness of information to or for an agency, taking into account its accuracy, adequacy, reliability, timeliness, and the agency's ability to process the information it collects.

B. What enhancements can be made to the quality, utility, and clarity of the information to be collected?

As a Potential Respondent to the Request for Information

A. What actions could be taken to help ensure and maximize the quality, objectivity, utility, and integrity of the information to be collected?

B. Are the instructions and definitions clear and sufficient? If not, which instructions need clarification?

C. Can the information be submitted by the due date?

D. Public reporting burden for this collection is estimated to average:

Estimated Hours Per Response in 2007

EIA-800, "Weekly Refinery and Fractionator Report,"—1.58 hours
 EIA-801, "Weekly Bulk Terminal Report,"—0.95 hours
 EIA-802, "Weekly Product Pipeline Report,"—0.95 hours
 EIA-803, "Weekly Crude Oil Stocks Report,"—0.50 hours
 EIA-804, "Weekly Imports Report,"—1.58 hours
 EIA-805, "Weekly Terminal Blenders Report,"—0.58 hours
 EIA-810, "Monthly Refinery Report,"—4.74 hours
 EIA-811, "Monthly Bulk Terminal Report,"—2.21 hours
 EIA-812, "Monthly Product Pipeline Report,"—2.85 hours
 EIA-813, "Monthly Crude Oil Report,"—1.50 hours
 EIA-814, "Monthly Imports Report,"—2.53 hours
 EIA-815, "Monthly Terminal Blenders Report,"—1.15 hours
 EIA-816, "Monthly Natural Gas Liquids Report,"—0.95 hours
 EIA-817, "Monthly Tanker and Barge Movement Report,"—2.21 hours
 EIA-819, "Monthly Oxygenate Report,"—0.63 hours
 EIA-820, "Annual Refinery Report"—2.30 hours

The estimated burden includes the total time necessary to provide the requested information. In your opinion, how accurate is this estimate?

E. The agency estimates that the only cost to a respondent is for the time it

will take to complete the collection. Will a respondent incur any start-up costs for reporting, or any recurring annual costs for operation, maintenance, and purchase of services associated with the information collection?

F. What additional actions could be taken to minimize the burden of this collection of information? Such actions may involve the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

G. Does any other Federal, State, or local agency collect similar information? If so, specify the agency, the data element(s), and the methods of collection.

As a Potential User of the Information To Be Collected

A. What actions could be taken to help ensure and maximize the quality, objectivity, utility, and integrity of the information disseminated?

B. Is the information useful at the levels of detail to be collected?

C. For what purpose(s) would the information be used? Be specific.

D. Are there alternate sources for the information and are they useful? If so, what are their weaknesses and/or strengths?

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of the forms. They also will become a matter of public record.

Statutory Authority: Section 3507(h)(1) of the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. Chapter 35).

Issued in Washington, DC, May 22, 2006.

Jay H. Casselberry,

Agency Clearance Officer, Energy Information Administration.

[FR Doc. E6-8657 Filed 6-2-06; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP06-349-000]

CenterPoint Energy Gas Transmission Company; Notice of Request Under Blanket Authorization

May 30, 2006.

Take notice that on May 24, 2006, CenterPoint Energy Gas Transmission Company (CEGT), 1111 Louisiana Street, Houston, Texas 77002-5231, filed in Docket No. CP06-349-000, a request pursuant to sections 157.205 and 157.216 of the Commission's Regulations under the Natural Gas Act

(18 CFR 157.205 and 157.216) for authorization to abandon certain facilities in the State of Texas, under CEGT's blanket certificate issued in Docket Nos. CP82-384-000 and 001 pursuant to section 7(c) of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may also be viewed on the Web at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at FERCOnlineSupport@ferc.gov or call toll-free, (886) 208-3676 or TTY, (202) 502-8659.

CEGT proposes to abandon, by sale and transfer, certain above-ground facilities that are currently a part of various CEGT delivery point facilities in the State of Texas as described more fully in the request. CEGT further proposes to sell and transfer these facilities to CenterPoint Energy Texas Gas (Texas Gas), a distribution division of CenterPoint Energy Gas Resources Corp, d/b/a, at the estimated net book value, which as of December 31, 2005 is \$19,697. CEGT states that no services would be abandoned as a result of the proposed sale and transfer. Texas Gas, it is said, would own and operate these facilities as part of its distribution system.

Any person or the Commission's Staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and, pursuant to section 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Any questions regarding this application should be directed to Lawrence O. Thomas, Director—Rates & Regulatory, CenterPoint Energy Gas Transmission Company, P.O. Box 21734, Shreveport, Louisiana 71151, or call (318) 429-2804 or fax (318) 429-3133.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the Internet in lieu

of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (<http://www.ferc.gov>) under the "e-Filing" link.

Magalie R. Salas,

Secretary.

[FR Doc. E6-8667 Filed 6-2-06; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EC06-111-000, et al.]

ESI Energy, LLC, et al.; Electric Rate and Corporate Filings

May 26, 2006.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

1. ESI Energy, LLC; Bison Wind GP, LLC; Heartland LP, LLC; Bison Wind Holdings, LLC; Bison Wind, LLC; FPL Energy Burleigh County Wind, LLC; FPL Energy Burleigh County Wind, LLC

[Docket No. EC06-111-000]

Take notice that on May 16, 2006, ESI Energy, LLC, Bison Wind GP, LLC, Heartland LP, LLC, Bison Wind Holdings, LLC, Bison Wind, LLC, FPL Energy Burleigh County Wind, LLC, and FPL Energy Burleigh County Wind, LLC filed a notice of withdrawal for an Application under section 203 of the Federal Power Act, submitted on April 14, 2006.

Comment Date: 5 p.m. Eastern Time June 6, 2006.

2. ITC Holdings Corp.; International Transmission Company; Michigan Transco Holdings, Limited Partnership; Michigan Electric Transmission Company, LLC; Trans-Elect NTD Path 15, LLC

[Docket No. EC06-123-000]

Take notice that on May 19, 2006, ITC Holdings Corp., International Transmission Company, Michigan Transco Holdings, Limited Partnership, Michigan Electric Transmission Company, LLC, and Trans-Elect NTD Path 15, LLC filed a joint application for authorization of indirect acquisition and disposition of jurisdictional facilities, pursuant to section 203 of the Federal Power Act.

Comment Date: 5 p.m. Eastern Time on June 12, 2006.

3. Elkem Metals Company

[Docket No. EC06-124-000]

Take notice that on May 19, 2006, Elkem Metals Company filed an application for authorization for disposition of certain jurisdictional facilities located in Fayette County, WV and request for expedited treatment, pursuant to section 203 of the Federal Power Act and part 33 of the Commission's regulations.

Comment Date: 5 p.m. Eastern Time on June 12, 2006.

4. SAF Hydroelectric LLC

[Docket No. EG06-51-000]

Take notice that on May 11, 2006, SAF Hydroelectric LLC filed an application, pursuant to part 365 of the Commission's regulations, of self-certification as an exempt wholesale generator for the Lower St. Anthony Falls Hydroelectric Project, located in Minneapolis Minnesota.

Comment Date: 5 p.m. Eastern Time on June 1, 2006.

5. Invenergy Wind Europe LLC

[Docket No. FC06-3-000]

Take notice that on April 18, 2006, Invenergy Wind Europe LLC on behalf of its indirectly owned subsidiary, EEZ Sp. z o.o. filed, pursuant to section 366.7(a) of the Commission's regulations, a noticed of self-certification of foreign utility company status.

Comment Date: 5 p.m. Eastern Time on June 8, 2006.

6. Empresa Eléctrica De Talca S.A.

[Docket No. FC06-4-000]

Take notice that on May 3, 2006, PMDC Chile, LLC, on behalf of its indirect subsidiary, Empresa Eléctrica De Talca S.A. (Emetal) filed, pursuant to sections 366.7 and 366.1 of the Commission's regulations, a noticed of self-certification of foreign utility company status.

Comment Date: 5 p.m. Eastern Time on June 8, 2006.

7. Empresa de Transmisión Eléctrica Transemel S.A.

[Docket No. FC06-5-000]

Take notice that on May 3, 2006, PMDC Chile, LLC, on behalf of its indirect subsidiary, Empresa de Transmisión Eléctrica Transemel S.A. (Transemel) filed, pursuant to sections 366.7 and 366.1 of the Commission's regulations, a noticed of self-certification of foreign utility company status.

Comment Date: 5 p.m. Eastern Time on June 8, 2006.

8. Alcoa Inc.; Manicouagan Power Company; Alcoa of Australia Limited; Alcoa Alumínio S.A.; Suriname Aluminum Company L.L.C.

[Docket No. FC06-6-000]

Take notice that on May 19, 2006, Alcoa, on behalf of its direct and indirect subsidiaries Manicouagan Power Company, Alcoa of Australia Limited, Alcoa Alumínio S.A., and Suriname Aluminum Company L.L.C. filed, pursuant to sections 366.7(a) and 366.1 of the Commission's regulations, a noticed of self-certification of foreign utility company status.

Comment Date: 5 p.m. Eastern Time on June 9, 2006.

Standard Paragraph

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Magalie R. Salas,
Secretary.

[FR Doc. E6-8630 Filed 6-2-06; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****Notice of Application for Non-Project Use of Project Lands and Waters and Soliciting Comments, Motions To Intervene, and Protests**

May 30, 2006.

a. *Type of Application:* Application for Non-Project Use of Project Lands and Waters.

b. *Project Number:* P-2686-044.

c. *Date Filed:* May 16, 2006.

d. *Applicant:* Duke Power.

e. *Name of Project:* Westfork Hydroelectric Project No. 2686.

f. *Location:* The project is located on the West Fork of the Tuckasegee River in Jackson County, North Carolina.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791 (a) 825(r) and 799 and 801.

h. *Applicant Contact:* Ms. Beth Mosteller, Mountain Lake Permit Service, 878 Mountain Cove Road, Waynesville, North Carolina 28786, phone (828)-456-8195, fax (828)-456-6554.

i. *FERC Contact:* Any questions on this notice should be addressed to Chris Yeakel at (202) 502-8132, or e-mail address: christopher.yeakel@ferc.gov.

j. *Deadline for filing comments and or motions:* June 19, 2006.

k. *Description of Request:* Duke Power proposes to grant a lease of 0.47 acre of project lands for non-project use as a private marina to provide access to Lake Glenville for residents of the Glenville Lake Club Subdivision. The marina will consist of a cluster dock with nine boat-docking locations, a 75 feet by 6 feet access ramp, leading to a 72 feet by 6 feet ramp, with three 20 feet by 4 feet fingers to provide the nine docking locations.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 502-8371. This filing may also be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field (p-2686) to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3676 or e-mail FERCOnlineSupport@ferc.gov, for TTY,

call (202) 502-8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers (p-2686-044). All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *Agency Comments:* Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

q. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at <http://www.ferc.gov> under the "e-Filing" link.

Magalie R. Salas,
Secretary.

[FR Doc. E6-8666 Filed 6-2-06; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application for Surrender of License and Soliciting Comments, Motions To Intervene, and Protests

May 30, 2006.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Surrender of License.

b. *Project No.:* 11351-014.

c. *Date Filed:* October 13, 2005.

d. *Applicant:* Columbia Power & Water Systems.

e. *Name of Project:* Old Columbia Dam Project.

f. *Location:* The project is located on the Duck River, in Maury County, Tennessee.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791-825r.

h. *Applicant Contact:* Mr. James O. Clark, General Manager, Columbia Power & Water Systems, P.O. Box 379, Columbia, TN 38402-0379, Phone: (931) 388-4833 extension 7601.

i. *FERC Contact:* Any questions on this notice should be addressed to Mrs. Anumzziatta Purchiaroni at (202) 502-6191, or e-mail address:

anumzziatta.purchiaroni@ferc.gov

j. *Deadline for filing comments and/or motions:* June 30, 2006.

k. *Description of Request:* The licensee states in the filing that an economic evaluation was performed, and indicated that the development of its 400-kW hydroelectric project was not feasible. Therefore, it is surrendering its license.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 502-8371. Information about this filing may also be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3676 or e-mail FERCOnlineSupport@ferc.gov, for TTY, call (202) 502-8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *Agency Comments:* Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

q. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at <http://www.ferc.gov> under the "e-Filing" link.

Magalie R. Salas,
Secretary.

[FR Doc. E6-8668 Filed 6-2-06; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments**

May 30, 2006.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

- a. *Type of Application:* Preliminary Permit.
 - b. *Project No:* 12669-000.
 - c. *Date Filed:* April 3, 2006.
 - d. *Applicant:* Rock Creek Cattle Company, Ltd.
 - e. *Name of Project:* Rock Creek Dam Lake Hydroelectric Project.
 - f. *Location:* The project would be located on Rock Creek Lake and Rock Creek in Powell County, Montana.
 - g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).
 - h. *Applicant Contact:* Mr. Greg Lane, Rock Creek Cattle Company Ltd., 601 Riverside Avenue, 12th Floor, Jacksonville, FL 32204, (904) 854-8543, Fax (904) 357-1026, E-mail Glane@fnf.com.
 - i. *FERC Contact:* Patricia W. Gillis at (202) 502-8735.
 - j. *Deadline for filing comments, protests, and motions to intervene:* 60 days from the issuance date of this notice.
- The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.
- k. *Description of Project:* The proposed project would consist of: (1) An existing 280-foot-long, 20-foot-high concrete dam, (2) an existing reservoir having a surface area of 177 acres with storage capacity of 2,552 acre-feet and normal water surface elevation of 5,844 feet mean sea level (msl), (3) a proposed powerhouse with an installed capacity of 1.5 megawatts, (4) proposed 3- to 4-mile long 25-kV transmission line, and (5) appurtenant facilities. The proposed project would have an average annual generation of 6.3 gigawatt-hours, which would be sold to a local utility.
 - l. *Locations of Applications:* A copy of the application is available for inspection and reproduction at the

Commission in the Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 502-8371. This filing may also be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call toll-free 1-866-208-3676 or e-mail FERCOnlineSupport@ferc.gov. For TTY, call (202) 502-8659. A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Competing Preliminary Permit:* Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

o. *Competing Development Application:* Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

p. *Notice of Intent:* A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

q. *Proposed Scope of Studies under Permit:* A preliminary permit, if issued,

does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

r. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper; see 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under "e-filing" link. The Commission strongly encourages electronic filing.

s. *Filing and Service of Responsive Documents:* Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", "COMPETING APPLICATION", or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

t. *Agency Comments:* Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an

agency's comments must also be sent to the Applicant's representatives.

Magalie R. Salas,
Secretary.

[FR Doc. E6-8669 Filed 6-2-06; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD06-8-000]

Discussions With Utility and Railroad Representatives on Market and Reliability Matters; Notice of Discussions

May 30, 2006.

The Federal Energy Regulatory Commission (FERC) will meet with utility and railroad representatives to discuss railroad coal-delivery matters and their impact on markets and electric reliability. The meeting is scheduled for June 15, 2006, in the Commission Meeting Room (Room 2C) at 888 First Street, NE., Washington, DC 20426 at or around 1 p.m. (EDT) and will conclude in mid-afternoon. (The starting time may be delayed by the Open Commission Meeting taking place that morning.)

All interested persons are invited to attend. There is no pre-registration and there is no fee to attend this meeting.

The Commission is inviting utility and railroad representatives to discuss market and reliability matters. Additional information will be issued in subsequent notices.

A transcript of the meeting will be available immediately for a fee from Ace Reporting Company (202-347-3700 or 1-800-336-6646). It will be available for free on the Commission's eLibrary system and on the events calendar approximately one week after the meeting.

FERC conferences and meetings are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an e-mail to accessibility@ferc.gov or call toll free (866) 208-3372 (voice) or 202-502-8659 (TTY), or send a fax to 202-208-2106 with the required accommodations.

Questions about the meeting should be directed to Saida Shaalan at Saida.Shaalan@ferc.gov or by phone at 202-502-8278.

Magalie R. Salas,
Secretary.

[FR Doc. E6-8670 Filed 6-2-06; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[OW-2005-0019, FRL-8179-7]

Agency Information Collection Activities: Proposed Collection; Comment Request; Information Collection Request for Contaminant Occurrence Data in Support of EPA's Second Six-Year Review of National Primary Drinking Water Regulations, EPA ICR Number 2231.01., OMB Control No. 2040.New

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit a new Information Collection Request (ICR) to the Office of Management and Budget (OMB). Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before August 4, 2006.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-OW-2005-0019 by one of the following methods:

- <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.

- E-mail: Lassovszky.Peter@epa.gov.

- Mail: Water Docket, Environmental Protection Agency, Mailcode: 4101T, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

- Hand Delivery: Water Docket, EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. Such deliveries are only accepted during the Dockets's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA-HQ-OW-2005-0019. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <http://www.regulations.gov> or e-mail. The <http://www.regulations.gov> Web site is

an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through <http://www.regulations.gov> your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

FOR FURTHER INFORMATION CONTACT:

Peter Lassovszky, Office of Ground Water and Drinking Water, Standards and Risk Management Division, Mail Code 4607M, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 564-4882; e-mail address: lassovszky.peter@epa.gov.

SUPPLEMENTARY INFORMATION:

How Can I Access the Docket and/or Submit Comments?

EPA has established a public docket for this ICR under Docket ID No. EPA-HQ-OW-2005-0019, which is available for online viewing at <http://www.regulations.gov>, or in person viewing at the Water Docket in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room is open from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is 202-566-1744, and the telephone number for the Water Docket is 202-566-2426.

Use <http://www.regulations.gov> to obtain a copy of the draft collection of information, submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the docket ID number identified in this document.

What Information Is EPA Particularly Interested in?

Pursuant to section 3506(c)(2)(A) of the PRA, EPA specifically solicits comments and information to enable it to:

- (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;
- (ii) Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- (iii) Enhance the quality, utility, and clarity of the information to be collected; and
- (iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

What Should I Consider When I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

- 1. Explain your views as clearly as possible and provide specific examples.
- 2. Describe any assumptions that you used.
- 3. Provide copies of any technical information and/or data you used that support your views.
- 4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
- 5. Offer alternative ways to improve the collection activity.
- 6. Make sure to submit your comments by the deadline identified under DATES.
- 7. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

What Information Collection Activity or ICR Does This Apply to?

Affected entities: Entities potentially affected by this action are the 56 States and territories.

Title: Information Collection Request for Contaminant Occurrence Data in Support of EPA's Six-Year Review of National Primary Drinking Water Regulations.

EPA ICR Numbers: 2231.01, OMB Control No. 2040.New.

ICR Status: This ICR is for a new information collection activity. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, and are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: The Safe Drinking Water Act (SDWA), as amended in 1996, requires that the U.S. Environmental Protection Agency (EPA) review existing National Primary Drinking Water Regulations (NPDWRs) no less often than every six years. This cyclical evaluation is referred to as the "Six-Year Review of National Primary Drinking Water Regulations" or, simply, the "Six-Year Review." Through the Six-Year Review process, EPA reviews and assesses risks to human health posed by regulated drinking water contaminants. EPA completed its first Six-Year Review cycle (1996–2002), reviewing 68 chemical NPDWRs and the Total Coliform Rule (TCR), which were promulgated prior to the 1996 Amendments. The occurrence assessments conducted for the first Six-Year Review were based on compliance monitoring data from 1993 to 1997, which were provided by States. The results of this review were published in the July 18, 2003, edition of the **Federal Register** (68 FR 42907–42929).

EPA's Office of Water is requesting from States, on a voluntary basis, historical compliance monitoring (contaminant occurrence) data for community water systems (CWSs) and non-transient non-community water systems (NTNCWSs). Contaminant occurrence data from 1998 to 2005 is being requested for all regulated chemical and radiological contaminants, as well as data from the TCR, to support the Agency's future Six-Year Reviews. The next review cycle is hereafter referred to as "Six-Year Review 2. The compliance monitoring records in this information collection (including all results for analytical detections and

non-detections) provide the data needed to conduct statistical estimates of national occurrence of each regulated contaminant. These national occurrence estimates will support EPA's decision whether to revise existing regulations. In addition, the 1996 SDWA section 1445(g) requires the Agency to maintain a national drinking water contaminant occurrence database (i.e., the National Contaminant Occurrence Data (NCOD)) using occurrence data for both regulated and unregulated contaminants in public water systems (PWSs). This data collection will provide new occurrence data on regulated contaminants to maintain the NCOD.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information over the 3-year ICR period of 2007–2009, is estimated to average 12.2 hours per State annually. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

The ICR provides a detailed explanation of the Agency's estimate, which is only briefly summarized here:

Estimated total number of potential respondents: 56.

Frequency of response: One time only.

Estimated total average number of responses for each respondent: 1.

Estimated total annual burden hours per response: 12.2.

Estimated total annual burden hours: 681 hours.

Estimated total annual costs: \$30,608.

What is the Next Step in the Process for This ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. At that time, EPA will issue another **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit

additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: May 26, 2006.

Cynthia C. Dougherty,

Director, Office of Ground Water and Drinking Water.

[FR Doc. E6-8660 Filed 6-2-06; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OW-2002-0059; FRL-8180-1]

Agency Information Collection Activities; Proposed Collection; Comment Request; Safe Drinking Water Act State Revolving Fund Program; EPA ICR No. 1803.05, OMB Control No. 2040-0185

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit a request to renew an existing approved Information Collection Request (ICR) to the Office of Management and Budget (OMB). This ICR is scheduled to expire on November 30, 2006. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before August 4, 2006.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-OW-2002-0059 by one of the following methods: <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.

E-mail: OW-Docket@epa.gov.

Mail: Water Docket, Environmental Protection Agency, Mailcode: 4101T, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

Hand Delivery: Water Docket, EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Ave., NW., EPA West Building, Room B102, Washington, DC 20004. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA-HQ-OW-2002-0059. EPA's policy is that all comments received will be included in the public

docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <http://www.regulations.gov> or e-mail. The <http://www.regulations.gov> Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through <http://www.regulations.gov> your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

FOR FURTHER INFORMATION CONTACT:

Howard Rubin, Mail Code 4606M, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 564-2051; fax number: (202) 564-3757; e-mail address: Rubin.HowardE@epa.gov.

SUPPLEMENTARY INFORMATION:

How Can I Access the Docket and/or Submit Comments?

EPA has established a public docket for this ICR under Docket ID No. EPA-HQ-OW-2002-0059, which is available for online viewing at <http://www.regulations.gov>, or in person viewing at the Water Docket in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room is open from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is 202-566-1744, and the telephone number for the Water Docket is 202-566-2426.

Use <http://www.regulations.gov> to obtain a copy of the draft collection of information, submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the docket ID number identified in this document.

What Information Is EPA Particularly Interested in?

Pursuant to section 3506(c)(2)(A) of the PRA, EPA specifically solicits comments and information to enable it to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

What Should I Consider When I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible and provide specific examples.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Offer alternative ways to improve the collection activity.
6. Make sure to submit your comments by the deadline identified under **DATES**.
7. To ensure proper receipt by EPA, be sure to identify the docket ID number

assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

What Information Collection Activity or ICR Does This Apply to?

[Docket ID No. EPA-HQ-OW-2002-0059]

Affected entities: Entities potentially affected by this action are the 50 States, Puerto Rico, and the recipients of assistance in each of these jurisdictions.

Title: Safe Drinking Water Act State Revolving Fund Program.

ICR numbers: EPA ICR No. 1803.05, OMB Control No. 2040-0185.

ICR status: This ICR is currently scheduled to expire on November 30, 2006. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, and are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: The Safe Drinking Water Act (SDWA) Amendments of 1996 (Pub. L. 104-182) authorized the creation of the Drinking Water State Revolving Fund (DWSRF) program in each State and Puerto Rico to assist public water systems to finance the costs of infrastructure needed to achieve or maintain compliance with SDWA requirements and to protect public health. Section 1452 authorizes the Administrator of the U.S. Environmental Protection Agency (EPA) to award capitalization grants to the States and Puerto Rico which, in turn, provide low-cost loans and other types of assistance to eligible drinking water systems. States can also reserve a portion of their grants to conduct various set-aside activities. The information collection activities will occur primarily at the program level through the (1) Capitalization Grant Application and Agreement/State Intended Use Plan; (2) Biennial Report; (3) Annual Audit; and (4) Assistance Application Review. Information collected is needed for input into the DWSRF National Information Management System.

(1) **Capitalization Grant Application and Agreement/State Intended Use Plan:** The State must prepare a Capitalization Grant Application that includes an Intended Use Plan (IUP)

outlining in detail how it will use all the funds covered by the capitalization grant. The State may, as an alternative, develop the IUP in a two part process with one part identifying the distribution and uses of the funds among the various set-asides in the DWSRF program and the other part dealing with project assistance from the Fund.

(2) **Biennial Report:** The State must agree to complete and submit a Biennial Report on the uses of the capitalization grant. The scope of the report must cover assistance provided by the DWSRF Fund and all other set-aside activities included under the Capital Grant Agreement. States which jointly administer DWSRF and Clean Water State Revolving Fund (CWSRF) programs, in accordance with section 1452(g)(1), may submit reports (according to the schedule specified for each program) which cover both programs.

(3) **Annual Audit:** A State must comply with the provisions of the Single Audit Act Amendments of 1996. Best management practices suggest and EPA recommends that a State conduct an annual independent audit of its DWSRF program. The scope of the report must cover the DWSRF Fund and all other set-aside activities included in the Capitalization Grant Agreement. States which jointly administer DWSRF and CWSRF programs, in accordance with section 1452(g)(1), may submit audits that cover both programs but which report financial information for each program separately.

(4) **Assistance Application Review:** Local applicants seeking financial assistance must prepare and submit DWSRF loan applications. States then review completed loan applications and verify that proposed projects will comply with applicable Federal and State requirements.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to be an average of 131 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel

to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

The ICR provides a detailed explanation of the Agency's estimate, which is only briefly summarized here:

Estimated total number of potential respondents: 1505 respondents per year.

Frequency of response: For Capitalization Grants and Audits responses are annual, for Biennial reports and Loan Applications, responses are on occasion.

Estimated total average number of responses for each respondent: This ICR estimates one annual response per respondent.

Estimated total annual burden hours per response: Approximately 131 hrs. (196,870 hrs./1505 respondents).

Estimated total annual burden hours: Respondent burden is estimated at 196,870 hrs. annually.

Estimated total annual costs: Respondent total cost is estimated at \$6,862,452 annually.

Are There Changes in the Estimates From the Last Approval?

There is an increase of 275 hours in the total estimated respondent burden compared with that identified in the ICR currently approved by OMB. This increase reflects EPA's calculation of burden for biennial reports. The last ICR assumed 25 respondents in 2003, 26 respondents in 2004, and 25 respondents in 2005. Using this methodology, this ICR assumes 26 respondents in 2006, 25 respondents in 2007, and 26 respondents in 2008. This results in one additional respondent over the last ICR.

What Is the Next Step in the Process for This ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. At that time, EPA will issue another **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: May 26, 2006.

Cynthia C. Dougherty,
Director, Office of Ground Water & Drinking Water.

[FR Doc. E6-8663 Filed 6-2-06; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OW-2006-0486; FRL-8179-9]

Agency Information Collection Activities: Proposed Collection; Comment Request; 2007 Drinking Water Infrastructure Needs Survey Agency Information Collection; EPA ICR No. 2234.01, OMB Control No. 2040.New

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 et seq.), this document announces that the Environmental Protection Agency (EPA) is planning to submit a request for a new Information Collection Request (ICR) to the Office of Management and Budget (OMB). Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before August 4, 2006.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-OW-2006-0486, by one of the following methods:

- <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.
- E-mail: barles.robert@epa.gov.
- Fax: 202-564-3757.
- Mail: Water Docket, EPA Docket Center (EPA/DC), Environmental Protection Agency, Mailcode: 4101T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.
- Hand Delivery: Water Docket, EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC.

Instructions: Direct your comments to Docket ID No. EPA-HQ-OW-2006-0486. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <http://www.regulations.gov> or by e-mail. The <http://www.regulations.gov> Web site is an "anonymous access" system, which means EPA will not know your identity

or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through <http://www.regulations.gov>, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

FOR FURTHER INFORMATION CONTACT:

Robert Barles, Drinking Water Protection Division (Mailcode 4606), Office of Ground Water and Drinking Water, U.S. EPA, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: 202-564-3814; fax number: 202-564-3757; e-mail address: barles.robert@epa.gov.

SUPPLEMENTARY INFORMATION:**How Can I Access the Docket and/or Submit Comments?**

EPA has established a public docket for this ICR under Docket ID No. EPA-HQ-OW-2006-0486, which is available for online viewing at <http://www.regulations.gov>, or in person viewing at the Water Docket in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room is open from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is 202-566-1744, and the telephone number for the Water Docket is 202-566-2426.

Use <http://www.regulations.gov> to obtain a copy of the draft collection of information, submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the docket ID number identified in this document.

What Information Is EPA Particularly Interested in?

Pursuant to section 3506(c)(2)(A) of the PRA, EPA specifically solicits

comments and information to enable it to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

What Should I Consider When I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible and provide specific examples.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Offer alternative ways to improve the collection activity.
6. Make sure to submit your comments by the deadline identified under **DATES**.
7. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date and **Federal Register** citation.

What Information Collection Activity or ICR Does This Apply to?

Affected entities: Entities potentially affected by this action are those which own, operate or regulate community water systems including, but not limited to, owners/operators of community water systems, State environmental water quality agencies, and State departments of health.

Title: 2007 Drinking Water Infrastructure Needs Survey.

ICR numbers: EPA ICR #2234.01, OMB Control No. 2040.New.

ICR status: This ICR is for a new information collection activity. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, and are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: The purpose of this information collection is to identify the infrastructure needs of community public water systems for the 20-year period from January 2007 through December 2027. EPA's Office of Ground Water and Drinking Water (OGWDW) will collect these data to comply with Sections 1452(h) and 1452(i)(4) of the Safe Drinking Water Act (42 U.S.C. 300j-12).

EPA will use a questionnaire to collect capital investment need information from large (serving more than 100,000 people) and medium (serving more than 3,300 people but less than 100,000) community water systems. The questionnaire will also be used by EPA survey teams in visits to 400 to 600 statistically-selected small (serving less than 3,300 people) community water systems to ascertain their infrastructure needs. Participation in the survey is voluntary. The data from the questionnaires will provide EPA with a basis for estimating the nationwide infrastructure needs of community water systems. Also, as mandated by section 1452(a)(1)(D)(ii) of the Safe Drinking Water Act, EPA uses the results of the latest survey to allocate Drinking Water State Revolving Fund (DWSRF) monies to the States. Under the allotment formula, each State receives a grant of the annual DWSRF appropriation in proportion to its share of the total national need—with the proviso that each State receives at least one percent of the total funds available.

Burden Statement: Over the entire survey effort, the annual public reporting and recordkeeping burden for this collection of information is estimated to average 3.74 hours per response for states and water system respondents combined. However, nearly all of the responses from water systems

will occur in the single year of 2007. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

The ICR provides a detailed explanation of the Agency's estimate, which is only briefly summarized here:

- *Estimated total number of potential respondents:* 3,470.
- *Frequency of response:* On occasion.
- *Estimated total average number of responses for each respondent:* 1 per system.
- *Estimated total annual burden hours:* 12,984 hours.
- *Estimated total annual costs:* \$1,345,677. This includes an estimated burden cost of \$1,345,677 and an estimated cost of \$0.00 for capital investment or maintenance and operational costs.

What is the Next Step in the Process for This ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. At that time, EPA will issue another **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: May 26, 2006.

Cynthia Dougherty,

Director, Office of Ground Water and Drinking Water.

[FR Doc. E6-8664 Filed 6-2-06; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request; 3064-0028

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of information collections to be submitted to OMB for review and approval under the Paperwork Reduction Act of 1995.

SUMMARY: In accordance with requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the FDIC hereby gives notice that it is submitting to the Office of Management and Budget (OMB) a request for OMB review and approval of the renewal of the information collection system described below.

DATES: Comments must be submitted on or before July 5, 2006.

ADDRESSES: Interested parties are invited to submit written comments on the collection of information entitled: "Recordkeeping and Confirmation Requirements for Securities Transactions."

All comments should refer to the name and number of the collection. Comments may be submitted by any of the following methods:

- <http://www.FDIC.gov/regulations/laws/federal/notices.html>.
- *E-mail:* comments@fdic.gov.

Include the name and number of the collection in the subject line of the message.

- *Mail:* Gary A. Kuiper (202.898.3877), Counsel, Federal Deposit Insurance Corporation, Suite 2100, 550 17th Street, NW., Washington, DC 20429.

- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 550 17th Street Building (located on F Street), on business days between 7 a.m. and 5 p.m.

A copy of the comments may also be submitted to the OMB Desk Officer for the FDIC, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Gary A. Kuiper, at the address identified above.

SUPPLEMENTARY INFORMATION: Proposal to renew the following currently approved collection of information:

1. *Title:* Recordkeeping and Confirmation Requirements for Securities Transactions.

OMB Number: 3064-0028.

Form: N/A.

Frequency of Response: On occasion.

Affected Public: Individuals and businesses.

Estimated Number of Respondents: 4606.

Estimated Time per Response: 27.91 hours.

Total Annual Burden: 128,553 hours.

Previous Burden: 132,070 hours.

Change in Burden: -3517 hours

General Description of Collection: On June 30, 1977, the Securities and Exchange Commission (SEC) published its final report on bank securities activities pursuant to its mandate under section 11A(e) of the Securities Exchange Act of 1934. The final report included a recommendation to Congress that the Federal banking agencies be mandated to issue and enforce specific rules and regulations governing the conduct of banks in effecting transactions in securities for the accounts of others. This recommendation required that such rules and regulations cover all aspects of this activity including personnel competency standards, recordkeeping requirements, and confirmation requirements.

The FDIC developed its regulation 12 CFR 344 to be responsive, in part, to the recommendations of the SEC final report. The regulation's purpose is to ensure that purchasers of securities in transactions effected by an insured state nonmember bank are provided adequate information concerning the transactions. The regulation is also designed to ensure that insured state nonmember banks maintain adequate records and controls with respect to these securities transactions.

Request for Comment

Comments are invited on: (a) Whether these collections of information are necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimate of the burden of the information collections, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collections on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Dated at Washington, DC, this 30th day of May, 2006.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. E6-8646 Filed 6-2-06; 8:45 am]

BILLING CODE 6714-01-P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: Background.

Notice is hereby given of the final approval of proposed information collections by the Board of Governors of the Federal Reserve System under OMB delegated authority, as per 5 CFR 1320.16 (OMB Regulations on Controlling Paperwork Burdens on the Public). Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the OMB 83-Is and supporting statements and approved collection of information instrument(s) are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer Michelle Long—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202-452-3829)

OMB Desk Officer Mark Menchik—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503, or email to mmenchik@omb.eop.gov

Final approval under OMB delegated authority the implementation of the following collection of information:

Report title: Studies to Develop and Test Consumer Regulatory Disclosures

Agency form number: FR 1380

OMB control number: 7100-0312

Frequency: Consumer surveys: qualitative testing, 4; quantitative testing, 4; Institution surveys: quantitative testing, 5.

Reporters: Consumers and financial institutions that engage in consumer lending and provide other financial products

Estimated annual reporting hours: 25,434 hours

Estimated average hours per response: Consumer surveys: qualitative testing, 1.5 hours; quantitative testing, .33 hours; Institution surveys: quantitative testing, 15 hours.

Estimated number of respondents: Consumer surveys: qualitative testing, 225; quantitative testing, 1,200; Institution surveys: quantitative testing, 300.

General description of report: This information collection is authorized pursuant to the: Home Mortgage Section 806 (12 U.S.C. § 2804(a)); Community Reinvestment Act, Section 806 (12 U.S.C. § 2905); Competitive Equality Banking Act, Section 1204 (12 U.S.C. § 3806) (adjustable rate mortgage caps); Expedited Funds Availability Act, Section 609 (12 U.S.C. § 4008); Truth in Saving Act, Section 269 (12 U.S.C. § 4308); Federal Trade Commission Act, Section 18(f) (15 U.S.C. § 57a(f)); Truth in Lending Act, Section 105 (15 U.S.C. § 1604); Fair Credit Reporting Act, Section 621 (15 U.S.C. § 1681s(e)); Equal Credit Opportunity Act, Section 703 (15 U.S.C. § 1691b(a)); Electronic Funds Transfer Act, Section 904 (15 U.S.C. § 1693b) and Gramm-Leach-Bliley Act, Section 504 (15 U.S.C. § 6804). Respondent participation in the survey is voluntary. If the Federal Reserve contracts with an outside firm, no issue of confidentiality would arise because names and any other characteristics that would permit personal identification of respondents would not be included in any reports submitted to the Federal Reserve. However, if there is no contractual agreement between the Federal Reserve and the outside firm regarding the reporting of respondent identifying data, or if the Federal Reserve conducts the survey itself, then the information would likely be considered an agency record subject to the Freedom of Information Act (FOIA). Nevertheless, confidential treatment for consumer identifying data would be warranted under subsection (b)(6) of the FOIA. The confidentiality of the information obtained from financial institutions will be determined on a case-by-case basis when the specific questions to be asked on each particular survey are formulated, but before respondents are contacted. Depending upon the survey questions, confidential treatment could be warranted under subsection (b)(4) of the FOIA. 5 U.S.C. § 552(b)(4) and (6).

Abstract: The Congress has assigned to the Federal Reserve the duty of implementing a number of Federal laws intended to protect consumers in credit and other financial transactions and to ensure that consumers receive fair comprehensive information and fair

treatment. The Federal Reserve is responsible for drafting regulations and interpretations to carry out the purposes of these consumer protection laws.

The Federal Reserve seeks to develop and implement regulatory policies based on information garnered from both consumers and industry entities that would enable consumers to make better financial decisions based on sound information and a clear understanding of how to use that information to meet their personal needs. Accordingly, the Federal Reserve periodically surveys consumers and financial institutions to identify key issues and review and evaluate consumer disclosures for effectiveness. Direct information about consumer knowledge and use of disclosure statements would best be obtained through studies of individuals and financial institutions that engage in consumer lending and provide other financial products.

In order to better understand consumer attitudes and knowledge of the Federal Reserve's consumer regulations and to make disclosure statements more comprehensible and usable, the Federal Reserve will conduct studies of consumers and financial institutions. These studies could take the format of focus group discussions, face-to-face interviews, telephone interviews, mall intercept testing, written questionnaires (paper or web based), or controlled experiments. The size of consumer focus groups will vary depending on the topics being discussed and the format of the sessions. Experience has shown that focused discussions of not more than twelve to fifteen participants are most productive.

Written surveys or questionnaires could include categorical questions, yes-no questions, ordinal scale (such as Likert scale) or ranking scale questions (which ascertain respondent's views on the degree to which something fits a particular criterion; for example, on a scale of 1, "strongly agree" to 5, "strongly disagree"), and open-ended questions.

The studies could be conducted through a private firm, which would be chosen in a competitive bidding process. The research instruments could be developed by the Federal Reserve alone or jointly with the firm selected by the Federal Reserve. The firm would be responsible for following the sampling protocol established by the Federal Reserve, conducting the study, preparing a data file containing the responses, computing analysis weights, and documenting all study procedures. Data editing and analysis of survey results would be conducted solely by

the Federal Reserve or jointly with the firm.

In the subject areas covered by the studies, much of the information needs to be obtained via surveys of consumers, either because (1) personal attitudes, opinions or evidence of understanding are sought, or (2) the desired information is not compiled by financial institutions, or the information is compiled and is proprietary. In addition, the studies could survey financial institutions to obtain information about their consumer product offerings and disclosure and marketing practices with respect to those products.

Current action: On March 15, 2006, the Federal Reserve published a notice soliciting comment on the proposal to implement FR 1380 (71 FR 13397). The comment period ended on May 15, 2006. The Federal Reserve received two comment letters; however, the proposal is unchanged from the one the Board initially approved.

The comment letters, from a banking trade association and a financial holding company, strongly support the Federal Reserve's proposal to conduct these studies to enable the use of consumer feedback to create more meaningful and useful disclosure statements. One of the commenters also suggested using a staged approach for conducting these studies. The suggested approach is substantially similar to the approach that will be employed by the Federal Reserve.

Board of Governors of the Federal Reserve System, May 31, 2006.

Jennifer J. Johnson

Secretary of the Board.

[FR Doc. E6-8672 Filed 6-2-06; 8:45 am]

BILLING CODE 6210-01-S

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities: Comment Request

AGENCY: Board of Governors of the Federal Reserve System (Board)

ACTION: Notice and request for comment.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the Board, the Federal Deposit Insurance Corporation (FDIC), and the Office of the Comptroller of the Currency (the "agencies") may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The

Federal Financial Institutions Examination Council (FFIEC), of which the agencies are members, has approved the agencies' publication for public comment of a proposal to revise the Report of Assets and Liabilities of U.S. Branches and Agencies of Foreign Banks (FFIEC 002), which is a currently approved information collection. The Board is publishing this proposal on behalf of the agencies. At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the FFIEC should modify the reports. The Board will then submit the reports to OMB for review and approval.

DATES: Comments must be submitted on or before August 4, 2006.

ADDRESSES: Interested parties are invited to submit written comments to the agency listed below. All comments, which should refer to the OMB control number, will be shared among the agencies. You may submit comments, identified by FFIEC 002 (7100-0032), by any of the following methods:

- Agency Web Site: <http://www.federalreserve.gov>. Follow the instructions for submitting comments on the <http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm>.
- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- E-mail: regs.comments@federalreserve.gov. Include docket number in the subject line of the message.
- FAX: 202-452-3819 or 202-452-3102.
- Mail: Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551.

All public comments are available from the Board's web site at www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm as submitted, except as necessary for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room MP-500 of the Board's Martin Building (20th and C Streets, NW.) between 9 a.m. and 5 p.m. on weekdays.

Additionally, commenters should send a copy of their comments to the Desk Officer for the agencies by mail to U.S. Office of Management and Budget, 725 17th Street NW., No. 10235, Washington, DC 20503 or by fax to 202-395-6974.

FOR FURTHER INFORMATION CONTACT: Additional information or a copy of the collection may be requested from

Michelle Long, Federal Reserve Board Clearance Officer, 202-452-3829, Division of Research and Statistics, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551. Telecommunications Device for the Deaf (TDD) users may call 202-263-4869, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551.

Proposal to revise the following currently approved collection of information:

Report Title: Report of Assets and Liabilities of U.S. Branches and Agencies of Foreign Banks

Form Number: FFIEC 002

OMB Number: 7100-0032

Frequency of Response: Quarterly

Affected Public: U.S. branches and agencies of foreign banks

Estimated Number of Respondents: 275

Estimated Time per Response: 22.75 hours

Estimated Total Annual Burden: 25,025 hours

General Description of Report: This information collection is mandatory: 12 U.S.C. 3105(b)(2), 1817(a)(1) and (3), and 3102(b). Except for select sensitive items, this information collection is not given confidential treatment [5 U.S.C. 552(b)(8)].

Abstract: On a quarterly basis, all U.S. branches and agencies of foreign banks (U.S. branches) are required to file detailed schedules of assets and liabilities in the form of a condition report and a variety of supporting schedules. This information is used to fulfill the supervisory and regulatory requirements of the International Banking Act of 1978. The data are also used to augment the bank credit, loan, and deposit information needed for monetary policy and other public policy purposes. The Federal Reserve System collects and processes this report on behalf of all three agencies.

Current Actions: The agencies propose to implement a number of revisions to modify the existing reporting requirements of the Report of Assets and Liabilities of U.S. Branches and Agencies of Foreign Banks (FFIEC 002), consistent with revisions to Schedule RC-O (Other Data for Deposit Insurance and FICO Assessments) on the Reports of Condition and Income (Call Report) (FFIEC 031 and 041) filed by insured commercial banks and state-chartered savings banks. The proposed revisions to the FFIEC 002 summarized below, which would apply only to branches whose deposits are insured by the FDIC, have been approved for

publication by the FFIEC. The agencies would implement these proposed changes as of the September 30, 2006, reporting date.

Changes to Schedule O, Memoranda item 1

The Federal Deposit Insurance Reform Act of 2005 (Reform Act) (Pub. L. 109-171), enacted in February 2006, increased the deposit insurance limit for certain retirement plan deposit accounts from \$100,000 to \$250,000. The basic insurance limit for other depositors – individuals, joint accountholders, businesses, government entities, and trusts – remains at \$100,000. The FDIC issued an interim rule to implement this increase in coverage and other provisions of the Reform Act pertaining to deposit insurance coverage effective April 1, 2006 (71 FR 14629).

As a result of this legislation and rulemaking, Memoranda items 1.a.(1) through 1.b.(2) of Schedule O would be redefined to exclude retirement accounts, which would be reported in four new items 1.c.(1) through 1.d.(2). For further details, see the Call Report Federal Register notice published on May 8, 2006 (71 FR 26809).

Given the purpose of these memorandum items, the dollar amount cited in the caption would need to be changed if the deposit insurance limit were to change. To ensure that the dollar amount cited in the caption changes automatically as a function of the deposit insurance limit in effect on the report date, the caption for Memorandum item 1 would be footnoted to state that the specific dollar amounts used as the basis for reporting the number and amount of deposit accounts in Memorandum items 1.a through 1.d reflect the deposit insurance limits in effect on the report date. The instructions for this Memorandum item would be similarly clarified. For further details, see the Call Report Federal Register notices published on November 8, 2002, and March 4, 2003 (67 FR 68229 and 68 FR 10310, respectively).

Changes to Schedule O, Memoranda item 2

Memorandum items 2.a and 2.b of Schedule O would be replaced and redefined as Memorandum item 2, “Estimated amount of uninsured deposits in the branch (excluding IBF),” and would be completed only by branches with \$1 billion or more in total claims on nonrelated parties. For further details, see the Call Report Federal Register notices published on October 18, 2001, February 28, 2002, August 23, 2005, and February 17, 2006 (66 FR

52973, 67 FR 9355, 70 FR 49363, and 71 FR 8649, respectively).

Currently there are 13 branches that would be required to report the proposed Memorandum item 1 and only 4 branches that would be required to report the proposed Memorandum item 2. Therefore the agencies estimate that these deposit-related reporting changes will have a nominal effect on the overall reporting burden of the FFIEC 002.

The agencies will monitor the impact of the new deposit insurance limits on the practices of branches whose deposits are insured by the FDIC and may propose additional revisions to the FFIEC 002 in the future to address supervisory or other public policy concerns resulting from any changes in branch practices.

Request for Comment

Comments are invited on:

a. Whether the information collection is necessary for the proper performance of the agencies’ functions, including whether the information has practical utility;

b. The accuracy of the agencies’ estimate of the burden of the information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or start up costs and costs of operation, maintenance, and purchase of services to provide information.

Comments submitted in response to this notice will be shared among the agencies. All comments will become a matter of public record. Written comments should address the accuracy of the burden estimate and ways to minimize burden including the use of automated collection techniques or the use of other forms of information technology as well as other relevant aspects of the information collection request.

Board of Governors of the Federal Reserve System, May 31, 2006.

Jennifer J. Johnson,
Secretary of the Board.

[FR Doc. E6-8673 Filed 6-2-06; 8:45 am]

BILLING CODE 6210-01-S

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Office of the Secretary**

[Document Identifier: OS-0990-0169; 30-day notice]

**Agency Information Collection
Activities: Proposed Collection;
Comment Request**

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Regular Clearance, Extension of a currently approved collection;

Title of Information Collection: Uniform Administrative Requirements for Grantors and Cooperative Agreements to State and Local Governments;

Form/OMB No.: OS-0990-0169;

Use: Pre-Award, Post-Award, and subsequent reporting and recordkeeping requirements are necessary to award, monitor, close out and managers grant programs, ensure minimum fiscal control and accountability for Federal funds and deter fraud, waste and abuse.

Frequency: Reporting, on occasion;

Affected Public: Business or other for-profit, not-for-profit institutions, and Federal government;

Annual Number of Respondents: 4,000;

Total Annual Responses: 4,000;

Average Burden Per Response: 70 hours;

Total Annual Hours: 280,000;

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access the HHS Web site address at <http://www.hhs.gov/ocio/infocollect/pending/> or e-mail your request, including your address, phone number, OMB number, and OS document identifier, to

Sherette.funncoleman@hhs.gov, or call the Reports Clearance Office on (202) 690-6162. Written comments and recommendations for the proposed information collections must be received within 30 days of this notice directly to the Desk Officer at the address below: OMB Desk Officer: John Kraemer, OMB Human Resources and Housing Branch, Attention: (OMB #0990-0169), New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: May 26, 2006.

Robert E. Polson,

Office of the Secretary, Paperwork Reduction Act Reports Clearance Officer.

[FR Doc. 06-5076 Filed 6-2-06; 8:45 am]

BILLING CODE 4150-24-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Centers for Disease Control and Prevention****Clinical Laboratory Improvement Advisory Committee**

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control and Prevention (CDC) announces the following committee meeting.

Name: Clinical Laboratory Improvement Advisory Committee (CLIAC).

Times and Dates: 8:30 a.m.-5 p.m., June 20, 2006. 8:30 a.m.-3 p.m., June 21, 2006.

Place: Sheraton Midtown Atlanta Hotel at Colony Square, 188 14th Street, NE., Atlanta, Georgia 30361, Telephone: (404) 892-6000.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 100 people.

Purpose: This Committee is charged with providing scientific and technical advice and guidance to the Secretary of Health and Human Services, the Assistant Secretary for Health, and the Director, CDC, regarding the need for, and the nature of, revisions to the standards under which clinical laboratories are regulated; the impact on medical and laboratory practice of proposed revisions to the standards; and the modification of the standards to accommodate technological advances.

Matters To Be Discussed: Updates from CDC, the Centers for Medicare & Medicaid Services, and the Food and Drug Administration; presentations and discussion concerning gynecologic cytology laboratory practice and proficiency testing; and a report from the CLIAC Cytology Proficiency Testing Workgroup and discussion of the Workgroup's proposals related to such. Agenda items are subject to change as priorities dictate.

Providing Oral or Written Comments: It is the policy of CLIAC to accept written public comments and provide a brief period for oral

public comments whenever possible. *Oral Comments:* In general, each individual or group requesting to make an oral presentation will be limited to a total time of five minutes (unless otherwise indicated). Speakers must also submit their comments in writing for inclusion in the meeting's Summary Report. To assure adequate time is scheduled for public comments, individuals or groups planning to make an oral presentation should, when possible, notify the contact person below at least one week prior to the meeting date. *Written Comments:* For individuals or groups unable to attend the meeting, CLIAC accepts written comments until the date of the meeting (unless otherwise stated). However, the comments should be received at least one week prior to the meeting date so that the comments may be made available to the Committee for their consideration and public distribution. Written comments, one hard copy with original signature, should be provided to the contact person below. Written comments will be included in the meeting's Summary Report.

Contact Person for Additional Information: Devery Howerton, Acting Chief, Laboratory Practice Standards Branch, Division Public Health Partnerships—Laboratory Systems, National Center for Health Marketing, Coordinating Center for Health Information and Service, CDC, 1600 Clifton Road, NE., Mailstop G-23, Atlanta, Georgia 30333; telephone (404) 718-1016; fax (404) 718-1080; or via e-mail at DHowerton@cdc.gov.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register**.

Notices pertaining to announcements of meetings and other committee management activities, for CDC and the Agency for Toxic Substances and Disease Registry.

Dated: May 30, 2006.

Alvin Hall,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. E6-8715 Filed 6-2-06; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Centers for Disease Control and Prevention****Statement of Organization, Functions, and Delegations of Authority**

Part C (Centers for Disease Control and Prevention) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (45 FR 67772-76, dated October 14, 1980, and corrected at 45 FR 69296, October 20, 1980, as amended most recently at 71 FR 20403, dated April 20, 2006) is amended to reflect the establishment of the Library Services Most Efficient Organization with the

Division of Knowledge Management Services, National Center for Public Health Informatics.

Section C–B, Organization and Functions, is hereby amended as follows:

After the mission statement for the *Division of Knowledge Management Services (CPEC), National Center for Public Health Informatics (CPE)*, insert the following:

Library Services Most Efficient Organization (CPEC2). (1) Provides library operations; (2) provides information, reference, and research services; (3) provides library educational and instructional services; (4) provides library knowledge management, systems, and technology support; (5) provides library marketing services and outreach; and (6) provides library administrative services.

Delete item (8) of the functional statement for the *Communications, Education, and Behavioral Studies Branch (CVBDB), Division of Tuberculosis Elimination (CVBD), National Center for HIV, STD, and TB Prevention (CVB)*, and insert the following: (8) organizes and maintains scientific and non-scientific information resources related to TB.

Delete item (6) of the functional statement for the *Education and Information Division (CCE), National Institute for Occupational Safety and Health (CC)*, and renumber the remaining items accordingly.

Dated: May 25, 2006.

William H. Gimson,

Chief Operating Officer, Centers for Disease Control and Prevention (CDC).

[FR Doc. 06–5079 Filed 6–2–06; 8:45 am]

BILLING CODE 4160–18–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Public Input Opportunity

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

SUMMARY: The National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC) announces the following:

Availability of opportunity for the Public to Provide Input on a proposed Web based document:

“NIOSH Safety and Health Topic: Chest Radiography”

Notice: The National Institute for Occupational Safety and Health (NIOSH), acting on behalf of the Secretary of Health and Human Services (HHS), is responsible for prescribing the manner in which radiographs are read and classified for the chest x-ray program available to coal miners under the Federal Mine Safety and Health Act, 30 U.S.C. 843; 42 CFR part 37. In carrying out this responsibility, NIOSH issues B Reader certifications to physicians who demonstrate proficiency in the classification of chest radiographs for the pneumoconioses using the International Labour Office (ILO) Classification System. NIOSH uses these B Readers in its Coal Workers Health Surveillance Program. B Readers are also employed in a variety of other clinical, research and compensation settings. NIOSH-certified B Readers use the internationally-recognized ILO system to classify chest radiographs for the presence and severity of pulmonary parenchymal and pleural changes potentially caused by exposure to dusts such as asbestos, silica, and coal mine dust. NIOSH requested comments on its previous draft Web pages:

“Recommendations for Applying the International Labour Office (ILO) International Classification of Radiographs of Pneumoconioses in Medical Diagnosis, Research and Population Surveillance, Worker Health Monitoring, Government Program Eligibility, and Compensation Settings” and “Ethical Considerations for B Readers” [Federal Register, Vol. 70, No. 221 (Thursday, November 17, 2005/ Notices at 69765–6)]. Based on the comments it received, NIOSH has developed a revised and expanded Web site that includes materials from those web pages and provides more information about radiographic reading and the ILO system, including recommendations for use of the ILO system in different settings.

We are specifically seeking public comment for the draft revised Web site:

“NIOSH Safety and Health Topic: Chest Radiography”

We are particularly interested in receiving public comment on the following Web page and associated pages located within the larger Web site: “Recommended Practices for Reliable Classification of Chest Radiographs by B Readers.”

The Web site “NIOSH Safety and Health Topic: Chest Radiography” can be found at <http://www.cdc.gov/niosh/topics/chestradiography/>.

Please review and submit your comments on this document to nioshdocket@cdc.gov. If you would prefer to have a hard copy rather than electronic, please contact NIOSH at this same e-mail address, and we will be happy to fax or mail copies of the documents to you.

The documents will remain available for comment until October 1, 2006. After that date, NIOSH will consider all the comments submitted and make appropriate revisions to the document before posting a final version on its Web site.

FOR FURTHER INFORMATION CONTACT: David N. Weissman, MD, CDC/NIOSH, Division of Respiratory Disease Studies, Mailstop H–2900, 1095 Willowdale Road, Morgantown, WV 26505, 304–285–5749.

Information requests can also be submitted by e-mail to nioshdocket@cdc.gov.

Dated: May 26, 2006.

John Howard,

Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.

[FR Doc. E6–8653 Filed 6–2–06; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Public Input Opportunity

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

SUMMARY: The National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC) announces the following:

Availability of opportunity for the Public to provide input on a proposed document:

“Laboratory and Field Performance of a Respirable Personal Dust Monitor”

The National Institute for Occupational Safety and Health (NIOSH) is the Federal agency responsible for conducting research and making recommendations for the prevention of occupational injuries and illnesses, including those occurring in the mining industry. Federal Mine Safety and Health Act, 30 U.S.C. 951. The Secretary of Labor and the Federal Advisory Committee on the Elimination of Pneumoconiosis Among Coal Mine Workers requested NIOSH to conduct research to improve sampling

instrumentation for use in the mining industry. NIOSH worked with industry, labor, and the Mine Safety and Health Administration (MSHA) to develop and test a new type of instrument known as the Personal Dust Monitor (PDM). The PDM is designed to be an integral part of the cap lamp that miners normally carry to work and provides continuous information about the amount of respirable coal mine dust in the breathing zone of that individual. Laboratory testing was conducted to verify the instruments' accuracy, as received from the manufacturer, and after a period of underground use of the instruments. Under the broad range of test conditions the PDM provided equal or better functioning than the current coal mine dust sampler in terms of availability for use, accuracy, precision, and miner acceptance; while also providing real-time data to miners wearing the units.

We are seeking comment on the draft document, "Laboratory and Field Performance of a Respirable Personal Dust Monitor," which is available at: <http://www.cdc.gov/niosh/review/public/dustmonitor/>.

If you would prefer to have a hard copy rather than electronic, please contact NIOSH at the address shown below and we will mail or fax a copy to you. Please submit your comment on this document to nioshdocket@cdc.gov or mail them to: NIOSH Mailstop: C-34, Robert A. Taft Lab., 4676 Columbia Parkway, Cincinnati, Ohio 45226.

The draft report will remain available for public comment until June 30, 2006. After that date, NIOSH will post the public comments received on the NIOSH Web site. NIOSH will review all of the comments submitted and make appropriate revisions to the draft document before the document is finalized.

FOR FURTHER INFORMATION CONTACT: Jon C. Volkwein, CDC/NIOSH, Respiratory Hazards Control Branch, 626 Cochran Mill Rd., Pittsburgh, PA 15236. 412-386-6689.

Information requests can also be submitted by e-mail to pdmcomments@cdc.gov.

Dated: May 26, 2006.

John Howard,

Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.

[FR Doc. E6-8652 Filed 6-2-06; 8:45 am]

BILLING CODE 4163-19-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2005D-0183]

Guidance for Industry on Antiviral Product Development—Conducting and Submitting Virology Studies to the Agency; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a guidance for industry entitled "Antiviral Product Development—Conducting and Submitting Virology Studies to the Agency." The purpose of this guidance is to assist sponsors in developing and submitting nonclinical and clinical virology data, which are important to support clinical trials of antiviral products. Nonclinical and clinical virology reports are essential components in the review of investigational antiviral products. The information in this guidance will facilitate the development of antiviral products.

DATES: Submit written or electronic comments on agency guidances at any time.

ADDRESSES: Submit written requests for single copies of this guidance to the Division of Drug Information (HFD-240), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. Send one self-addressed adhesive label to assist that office in processing your requests. Submit written comments on the guidance to the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to <http://www.fda.gov/dockets/ecomments>. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Lisa K. Naeger, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, rm. 6367, Silver Spring, MD 20993-0002, 301-796-1500, or Julian O'Rear, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, rm. 6368, Silver Spring, MD 20993-0002, 301-796-1500.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled "Antiviral Product Development—Conducting and Submitting Virology Studies to the Agency." The purpose of this guidance is to assist sponsors in the development of antiviral products and to serve as a starting point for understanding the nonclinical and clinical virology data important to support clinical trials of antiviral products. This guidance focuses on nonclinical and clinical virology studies, which are essential components in the review of investigational antiviral products. Topics in this guidance include studies defining the mechanism of action, establishing specific antiviral activity of the investigational product, assessing the potential for antagonism of other antiviral products that might be used in combination with the investigational product, providing data on the development of viral resistance to the investigational product, and providing data that identify cross-resistance to approved products having the same target.

The guidance announced in this document finalizes the draft guidance entitled "Antiviral Drug Development—Conducting Virology Studies and Submitting the Data to the Agency" that was announced in the **Federal Register** of May 25, 2005 (70 FR 30127). The sample formats that were included as appendixes in the draft guidance have been removed from the guidance and are now included as stand-alone documents. A fourth format for assisting sponsors in the submission of influenza data has been added. These sample formats will be updated as needed, and additional formats for other viruses may be provided.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the agency's current thinking on conducting virology studies and submitting the data and reports to the agency. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501—

3520). The collections of information have been approved under OMB control number 0910-0014.

III. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments regarding this document. Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one paper copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The guidance and received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

IV. Electronic Access

Persons with access to the Internet may obtain the document at either <http://www.fda.gov/cder/guidance/index.htm> or <http://www.fda.gov/ohrms/dockets/default.htm>.

Dated: May 23, 2006.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E6-8635 Filed 6-2-06; 8:45 am]

BILLING CODE 4160-01-S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Office of Clinical and Preventive Services; Dental Preventive and Clinical Support Centers Program

Announcement Type: New Grant.

Funding Announcement Number: HHS-2006-IHS-TDCP-0001.

Catalog of Federal Domestic Assistance Numbers: 93.933.

Key Dates: Application Deadline Date: July 17, 2006, 5 p.m. EST;

Review Date: July 24, 2006;

Anticipated Award Announcement Date: July 31, 2006;

Anticipated Start Date: August 1, 2006.

I. Funding Opportunity Description

The Indian Health Service (IHS) Division of Oral Health (DOH) requests competitive applications for funding of Dental Preventive and Clinical Support Centers (DPCSC) through a grant process. This program is authorized under the authority of the 25 U.S.C. 13, Snyder Act, and the 25 U.S.C. 1602(B) (21-26), Indian Health Care Improvement Act, and Public Health Service Act, section 301 (a), as amended. This program is described at

93.933 in the Catalog of Federal Domestic Assistance.

Support centers will combine existing resources and infrastructure with IHS Headquarters (HQ) and IHS Area resources in order to address the broad challenges and opportunities associated with IHS preventive and clinical dental programs.

1. Centers will provide technical assistance and resources for local and Area clinic-based and community-based oral health promotion/disease prevention (HP/DP) initiatives.

2. Centers are strongly encouraged to provide technical assistance and resources for local and Area clinical programs.

3. Centers are encouraged to provide technical assistance and resources for regional and national preventive and clinical initiatives.

4. Centers will send one or more representatives to national support centers project meetings convened by IHS HQ DOH. Such meetings will be held no more than annually. All centers are expected to reserve sufficient funds in annual budgets to send a representative to these meetings.

5. Centers will promote the coordination of research, demonstration projects, and studies relating to the causes, diagnosis, treatment, control, and prevention of oral disease. This will be addressed through the collection, analysis, and dissemination of data, or other basic research methodology deemed appropriate by the grantee and the IHS.

II. Award Information

Type of Award: Grant.

Estimated Funds Available: The total amount to be awarded for the project period is a maximum of \$750,000 for four years.

Anticipated Number of Awards: 3 or less.

Anticipated Project Period: August 1, 2006—July 31, 2010.

Award Amount: Maximum \$250,000 per year, for each award. This amount is inclusive of direct and indirect costs. Awards under this announcement are subject to the availability of funds. Continuation awards will be issued annually based on satisfactory performance, availability of funding, and continuing needs of the IHS. Requests for funding greater than \$250,000 per year will not be considered, and will not be entered into the review process. Applicants will be notified if the application does not meet the submission requirements.

The DOH through its Project Officer will:

1. Provide information pertinent to program planning, program evaluation, and the evolving needs of the IHS DOH upon request.

2. Provide feedback concerning biannual reports and performance.

3. Provide a template for biannual reports.

III. Eligibility Information

1. Eligible Applicants

- A. Federally-recognized Indian Tribe;
- B. Urban Indian Organizations as defined by 25 U.S.C. 1603(h); and
- C. Tribal organizations as defined by 25 U.S.C. 1603(e).

All non-profit Tribal organizations must provide proof of non-profit status with the application. See IV.2 for additional information.

Eligible applicants must be located within the following Areas: Aberdeen, Bemidji, Billings, California, Navajo, Oklahoma, Phoenix, and Tucson. Existing support centers that do not terminate prior to 1 August 2006 are not eligible to apply for funding under this announcement.

While multiple submissions from the same Area or region will be reviewed, only one award will be made to any one Area or region. Organizations in the same Area are encouraged to share resources in order to produce one strong proposal, rather than competing with each other.

2. Cost Sharing or Matching

The Support Centers Project does not require matching funds or cost sharing.

IV. Application and Submission Information

1. Web Address for Application Package

Application package (HHS-2006-IHS-TDCP-0001) may be found in Grants.gov.

Information regarding the electronic application process may be obtained from the following person: Michelle G. Bulls, Grants Policy Officer, Grants Policy Staff, Office of Management Support. (301) 443-6528, Direct line. (301) 443-2510, Fax. *E-mail:* michelle.bulls@ihs.gov.

Information regarding the Support Centers project may be obtained from the Project Official: Dr. Patrick Blahut, Division of Oral Health, HIS, 801 Thompson Ave, Suite 300, Rockville, MD, 20852. (301) 443-4323.

2. Content and Form of Application Submission if Prior Approval was Obtained for Paper Submission

- A. Single spaced.
- B. Typewritten.
- C. Consecutively numbered pages.

D. Black type not smaller than 12 characters per one inch.

E. Submit on one side only of standard 8½ x 11 inch paper.

F. Do not tab, glue, or place in a plastic holder.

G. Narrative not to exceed 15 typed pages. The 15 page narrative does not include any standard forms, Tribal resolutions or letters of support (if deemed necessary), table of contents, budget, budget justifications, and/or other appendix items.

H. Content of the application should relate directly to the basic emphasis of the support center project, to provide support and technical assistance for:

(1) Clinical dental programs;
(2) Community-based preventive initiatives; and
(3) Clinic-based preventive programs. The narrative should address the proposed Support Center's commitment to:

a. Sound program planning and evaluation principles, outlining goals and anticipated results linked to outcome objectives, process objectives, and proposed activities;

b. A sound initial and on-going needs assessment;

c. Provide limited assistance and support to regional and national initiatives as deemed appropriate by the IHS Division of Oral Health HQ personnel;

d. Collaborate with other Support Centers through regional and national cooperative ventures;

e. Proactively share work products and lessons learned throughout the IHS dental program;

f. Reserve sufficient funding in each annual budget for one Support Center representative to attend a national meeting to be identified by the Project Officer;

g. Program accountability grounded in objectively assessed and documented progress toward stated program goals and objectives;

h. An evaluation protocol that directly addresses on an biannual basis all outcome and process objectives.

Examples of appropriate support and technical assistance can be obtained from the Program Official, though each applicant is encouraged to focus on the specific needs of the programs they propose to serve.

Public Policy Requirements: All Federal-wide public policies apply to IHS grants with the exception of Lobbying and Discrimination.

Non-profit Tribal organization must provide proof of non-profit status. The applicant must submit a current valid IRS tax exemption certificate or a copy or 501C3 form, as proof of status.

3. Submission Dates and Times

Only one application per Tribe or Tribal organization is allowed.

Applications must be submitted electronically through Grants.gov by Monday, July 17, 5 p.m. Eastern Standard Time (EST). If technical issues arise and the applicant is unable to successfully complete the electronic application process, the applicant must contact Michelle G. Bulls, Grants Policy Officer at least fifteen days prior to the application deadline and advise of the difficulties you are having submitting your application on line. The Grants Policy Officer will determine whether you may submit a paper application (original and 2 copies). The grantee must obtain prior approval, in writing, from the Grants Policy Staff allowing the paper submission. Otherwise, applications not submitted through Grants.gov may be returned to the applicant and will not be considered for funding. Mail the applications to the Division of Grants Operations at 801 Thompson Avenue, TMP 360, Rockville, MD 20852. IHS will not acknowledge receipt of applications.

Paper applications submitted with written permission from the Grants Policy Staff shall be considered as meeting the deadline if received before 5 p.m., EST July 17, 2006 or postmarked on or before the deadline date and time. Any additional information such as Tribal resolutions or letters of support received after the deadline will not be considered by the review committee. Applicants should request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks will not be acceptable as proof of timely mailing.

4. Intergovernmental Review

Executive Order 12372 requiring intergovernmental review is not applicable to this program.

5. Funding Restrictions

A. Pre-award costs are not allowable under this program.

B. The available funds are inclusive of direct and indirect costs.

C. One grant will be awarded per applicant.

D. One grant will be awarded per Area.

E. All funding for these grants will end after four years. It is anticipated another cycle of competitive funding will begin after this four-year cycle.

6. Other Submission Requirements

A. Current Tribal Resolution(s) or Letters of Support from Tribes to be served.

B. Cover letter, labeling the submission as a "Proposed Dental Clinical and Preventive Support Center" for one or more of the defined geographic areas listed under the eligibility section of this announcement.

C. Contact information for a primary author or contact.

D. Project Abstract (not to exceed one typewritten page).

E. Table of contents to correspond with numbered pages of the narrative and attachments.

F. **Electronic Transmission:** The preferred method for receipt of applications is electronic submission through Grants.gov Web site. However, should any technical problems arise regarding the submission, please contact Grants.gov Customer Support at (800) 518-4726 or e-mail your questions to support@grants.gov. The Contact Center hours of operation are Monday–Friday from 7 a.m. to 9 p.m. EST. If you require additional assistance, please contact Ms. Michelle Bulls, Grants Policy Officer at (301) 443-6528 at least fifteen days prior to the application deadline. To submit an application electronically, please use the <http://www.Grants.gov> Web site. Download a copy of the application package from the Grants.gov Web site, complete it offline and then upload and submit the application via the Grants.gov Web site. You may not e-mail an electronic copy of a grant application. Otherwise, applications not submitted through Grants.gov may be returned to the applicant and it will not be considered for funding.

After you electronically submit your application, you will receive an automatic acknowledgment from Grants.gov that contains a Grants.gov tracking number. The IHS DGO will retrieve your application from Grants.gov Web site.

If it is determined that a grantee is not successful in submitting an electronic application, the organization must obtain prior approval, in writing, by the Grants Policy Officer, before submitting a paper application. If it is determined that a paper application is acceptable an original and 2 copies may be sent directly to the Division of Grants Operations, 801 Thompson Avenue, TMP 360, Rockville, MD 20852 by July 17, 2006.

(1) When you enter the Grants.gov Web site, you will find information about submitting an application electronically through the Web site, as well as the hours of operation. We

strongly recommend that applicants not wait until the deadline date to begin the application process through Grants.gov Web site.

(2) To use Grants.gov, you, as the applicant, must have a DUNS number and register with the Central Contractor Registry (CCR). You should allow a minimum of five days to complete CCR registration. See below on how to apply.

(3) You must submit all documents electronically, including all information typically included on the SF-424 and all necessary assurances and certifications.

(4) Your application must comply with any page limitation requirements described in the program announcement. After you electronically submit your application, you will receive an automatic acknowledgment from Grants.gov that contains a Grants.gov tracking number. The IHS will retrieve your application from Grants.gov Web site.

(5) You may access the electronic application for this program on <http://www.Grants.gov>.

(6) Before you can view and complete an application package, you must download PureEdge viewer from Grants.gov.

(7) You may search for the downloadable application package by using the Funding Opportunity Number: HHS-2006-IHS-TDCP-0001 or the CFDA number 93.933.

(8) E-mail applications will not be accepted under this announcement.

G. DUNS Number: Applicants are required to have a Dun and Bradstreet (DUNS) number to apply for a grant from the Federal Government. The DUNS number is a nine-digit identification number, which uniquely identifies business entities. Obtaining a DUNS number is easy and there is no charge. To obtain a DUNS number, access <http://www.dunandbradstreet.com> or call 1-866-705-5711. Interested parties may wish to obtain their DUNS number by phone to expedite the process.

H. Applications submitted electronically must also be registered with the Central Contractor Registry (CCR). A DUNS number is required before CCR registration can be completed. Many organizations may already have a DUNS number. Please use the number listed above to investigate whether or not your organization has a DUNS number. Registration with the CCR is free of charge.

Applicants may register by calling 1-888-227-2423. Please review and complete the CCR "Registration

Worksheet" located on <http://www.grants.gov/CCRRegister>.

More detailed information regarding these registration processes can be found at <http://www.grants.gov>.

V. Application Review Information

1. Criteria

A. Introduction and statement of perceived problems. Assessment of perceived local program needs. (12 points)

(1) Describe the existing problem, or perceived need for the support center.

(2) Describe the perceived needs of programs to be served.

(3) Describe in detail any needs assessment done or planned.

(4) Discuss the breadth of coverage in your region or area. If some facilities in the region will not be served, identify them and provide the criteria for exclusion (there is no requirement that all programs will be served).

(5) Summarize the proposed efforts or type of support to be provided.

(6) Describe how the proposed efforts compliment existing infrastructure to provide support appropriate to address identified problems and needs.

B. Program goals and objectives. (20 points)

(1) State long term goals or outcome objectives, and the annual process objectives or milestones of the project. Describe how these objectives will address the clinical and preventive needs of dental programs in the region.

(2) Describe the rationale for choosing your program goals over other possible proposed outcomes.

(3) Describe how meeting your annual or process objectives will lead to meeting your program goals.

(4) Describe briefly what the project intends to accomplish, the number of facilities to be served, and the estimated number of American Indians or Alaska Natives to benefit from the project.

C. Methodology, activities, work plan. (12 points)

(1) Describe the activities that will lead to attainment of objectives.

(2) Describe plans to periodically assess the perceived needs of local programs.

(3) If the connections between goals, annual objectives, and activities are not obvious, outline or explain them.

(4) Describe the individual activities, tasks, and projects needed to implement and complete this project. Describe how support center activities will complement existing initiatives, infrastructure, and support systems (if any).

(5) Describe the specific community-based and clinic-based preventive

initiatives and activities you will stress. Approaches may be innovative, but must also be scientifically sound and evidence-based.

(6) What data will be collected? How will it be obtained, analyzed, and maintained? While collecting data describing activities is appropriate, attaining both annual and long-term outcomes and the data to document attainment is essential.

(7) Provide a work plan that is project specific, sound, effective and realistic.

D. Proposed budget. (12 points)

(1) Provide a categorical budget for the initial year of the project.

(2) Justify the proposed budget by specific line items, explaining why each line item is necessary and relevant to the goals and objectives of the project.

(3) If indirect costs are claimed, state the negotiated rate and explain how the amount requested was calculated.

Include a copy of the current rate agreement. If a current rate agreement is not on file, include a copy of the indirect cost proposal that will be submitted to the cognizant agency.

(4) Provide, in summary form, proposed budgets for years two through four. Detail required in the initial budget is not necessary for subsequent years.

E. Anticipated results, deliverables. (12 points)

(1) Describe anticipated annual outcomes for the initial and subsequent years.

(2) Describe how these annual results relate to improved oral health and progress toward overall project goals and objectives.

(3) Describe in detail anticipated work products or deliverables.

(4) Proactive dissemination of information and deliverables is considered an integral, cooperative function of all support centers. Describe plans or mechanisms to pro-actively share deliverables, work products, results, and "lessons learned" with other support centers, IHS Areas, and IHS groups.

F. Evaluation. (20 points)

(1) Describe how the project will be evaluated. Describe how you will determine if the project has met identified needs and achieved stated objectives.

(2) Specify what will be measured, when the assessments will take place, and how the collected data will be analyzed and reported.

(3) Include a brief evaluation protocol for every program goal and annual objective that enables the reader to understand how progress will be assessed.

(4) Identify who will conduct the evaluation.

(5) What will be done with evaluation results? With whom will the results be shared? How will evaluative data be utilized to result in a better program?

(6) Describe how you will elicit feedback from programs served in order to stay responsive to evolving program needs.

G. Organization capabilities, personnel qualifications, resources. (12 points)

(1) Describe where the project will be housed. List available resources such as office furnishings, computers, and equipment.

(2) State the total overhead, administrative and indirect costs. Describe the services these payments will produce. An ideal center leverages existing infrastructure to maximize resources available for direct program support.

(3) Describe any plans for sustain ability, leveraging of resources, and collaborative efforts.

(4) List additional resources available to the proposed center, such as matching funds or collaborative agreements.

(5) Describe in detail any cost sharing or "in kind contributions."

(6) Describe the qualifications and relevant experience of key personnel.

(7) There is no preference given for existing support centers. Achievements of current support centers are neither a substitute for a well-formulated plan nor addressed in the scoring criteria. New applicants are evaluated on a "level playing field" with existing support centers applying for a new cycle of competitive funding. Appropriate qualifications, experience, and accomplishments of key personnel can be listed to illustrate the capacity or to address program objectives and administer multifaceted interventions.

(8) Demonstrate the organization has systems and expertise to manage Federal funds. How will the project operate both financially and administratively?

(9) List the qualifications and experience of any consultants or contractors.

(10) Provide a scope of work or job description for key center positions. Descriptions will list duties and include desired qualifications and experience.

(11) Append resumes of key personnel, including consultants or contractors. Position descriptions will suffice if personnel have not yet been identified.

2. Review and Selection Process

Applications meeting eligibility requirements that are complete, responsive, and conform to this program

announcement will be reviewed for merit by an ad hoc Objective Review Committee (ORC) appointed by the DOH. The review will be conducted in accordance with the IHS objective review procedures. The technical review process ensures selection of quality projects in a national competition for limited funding. The ORC may include IHS and non-IHS personnel; both Federal employees and non-Federal individuals may be utilized as reviewers. HQ DOH personnel may be present to answer procedural questions or provide general, background information as requested by reviewers. Reviewers will remain anonymous to applicants and support center personnel.

Each proposal will receive multiple reviews, with discussion by all reviewers facilitated by assigned primary and secondary reviewers. A final score will be determined from an average of all individual scores submitted by reviewers. Submissions scoring 60% or above will be considered for funding. The scoring of approved applications will assist the IHS DOH in determining which proposals will be funded if the amount of funding is not sufficient to support all approved applications. Proposed budgets may be revised at the suggestion of the reviewers. The results of the objective review and the selection of proposals to be awarded funds are considered final.

VI. Award Administration Information

1. Award Notices

Applicants approved and funded will be notified through the Financial Assistance Award (FAA) document via postal mail to the authorized official. The FAA will serve as the official notification of an award of a grant, and will state the amount of Federal funds awarded, the purpose of the award, the terms and conditions of the award, the effective date of the award, the project period, and the budget period. Any other correspondence to the applicant's Project Director or primary contact is not an authorization to begin performance. The FAA will be signed by the Grants Management Officer and will serve as the authorizing document for which funds are disbursed to the recipients.

Pre-award costs are not allowable charges under this program grant.

2. Administrative and National Policy Requirements

Collaborative agreements are administered in accordance with the following documents:

A. This announcement.

B. Grant Terms and Conditions as outlined in the FAA.

C. 45 CFR part 92, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State, Local, and Tribal Governments", or 45 CFR part 74, "Uniform Administration Requirements for Awards and Subawards to Institutions of Higher Education, Hospitals, Other NonProfit Organizations, and Commercial Organizations".

D. Public Health Service Grants Policy Statement, Revised April 1994.

E. Appropriate Cost Principles: OMB Circular A-87, "State, Local, and Indian Tribal Governments," or OMB Circular A-122, "NonProfit Organizations".

F. OMB Circular A-133, "Audits of States, Local Governments, and NonProfit Organizations".

G. Other Applicable OMB circulars.

3. Reporting

A. Reports of Progress—Program progress reports are required biannually, submitted within 30 days of the end of the half year. A final report must be submitted within 90 days of the project period end date.

B. Financial Status Report—Financial Status Reports (FSR) must be submitted annually, 30 days after the end of the budget period. The final report is due 90 days after the project period end date. The FSR can be downloaded from <http://www.whitehouse.gov/omb/grants/sf269.pdf>.

C. A brief narrative describing how all work-products were shared throughout IHS dental, and how they were archived at a location easily accessible to all IHS dental programs, will be included in progress reports.

D. Failure to submit required reports within the time allowed may result in one or more of the following:

- (1) The imposition of additional reporting requirements.
- (2) The non-funding or non-award of other eligible projects or activities.
- (3) Rejection of the request for continuation of funding.

Item VI.3D. applies whether the delinquency is attributable to the failure of the funded organization or the individual responsible for preparation of the reports.

VII. Agency Contacts

For questions about the application process, administrative information, or programmatic information, please contact the following at:

Program Contact, Orie Platero, Office of Clinical & Preventive Service, Indian Health Service, 801 Thompson Ave., Suite 326, Rockville, Maryland 20852. (301) 443-2522.

Grants Contact, Denise E. Clark, Division of Grants Operations, Indian Health Service, 801 Thompson Ave., TMP 360, Rockville, Maryland 20852. (301) 443-5204.

For program information, issues related to preventive dentistry, public health, or other programmatic content, contact: Patrick Blahut, D.D.S., M.P.H., Deputy Director, Division of Oral Health, 801 Thompson Ave., Suite 332, Rockville, Maryland 20852. (301) 443-4323. patrick.blahut@ihs.gov.

VIII. Other Information

A. Tribal Resolution—If the applicant is an Indian Tribe or Tribal organization, a resolution from the Tribal government of all Tribes to be served supporting the project must accompany the application submission. Applications by Tribal organizations will not require resolutions if the current Tribal resolutions under which they operate would encompass the proposed support center activities. In this instance a copy of the current resolution must accompany the application. The list of Tribes to be served by the support center in the proposal must match the set of appended resolutions. If a resolution from an appropriate representative of each Tribe to be served is not submitted, the application may be considered incomplete and will not be considered for funding. No documents will be accepted as separate mailings to be added to proposals; all documents, letters of support, Tribal resolutions, and so on must accompany the submission as one complete proposal.

B. Letters of Cooperation/
Collaboration/Assistance.

If an applicant proposes to provide training or technical assistance for a dental program operated directly by the IHS, a letter of support must be submitted by:

- (1) The IHS Area Director, or
- (2) The Local Service Unit Director, or
- (3) His designated representative.

C. The Department of Health and Human Services (HHS) is committed to achieving health promotion and disease prevention of *Healthy People 2010*, a HHS led activity for setting priority

areas. Potential applicants may obtain a printed copy of *Healthy People 2010*, (Summary Report No. 017-001-00549-15250-7945, (202) 512-1800). You may also access this information at the following Web site: <http://www.healthypeople.gov/Publications>.

D. Smoke-Free Workplace:

The HHS strongly encourages all grant recipients to provide a smoke-free workplace and promote non-use of all tobacco products. This is consistent with the HHS mission to protect and advance the physical and mental health of the American people. If an applicant is able to provide a smoke-free workplace, it should be stated in the application.

Dated: May 26, 2006.

Robert G. McSwain,

Deputy Director, Indian Health Service.

[FR Doc. E6-8634 Filed 6-2-06; 8:45 am]

BILLING CODE 4165-16-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; Comment Request; NCCAM Customer Service Data Collection

Summary: Under the provisions of section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Center for Complementary and Alternative Medicine (NCCAM), the National Institutes of Health (NIH), will submit to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below. A notice of this proposed information collection was previously published in the **Federal Register** on February 22, 2006, pages 9135-9136. To date, no public comments have been received. The purpose of this notice is to announce a final 30 days for public comment. NIH may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Proposed Collection: Title: NCCAM Customer Service Data Collection. **Type of Information Collection Request:** Renewal. **Need and Use of Information Collection:** NCCAM provides the public, patients, families, health care providers, complementary and alternative medicine (CAM) practitioners, and others with the latest scientifically based information on CAM and information about NCCAM's programs through a variety of channels, including its toll-free telephone information service and its quarterly newsletter. NCCAM wishes to continue to measure customer satisfaction with NCCAM telephone interactions and the NCCAM newsletter and to assess which audiences are being reached through these channels. This effort involves a telephone survey consisting of 10 questions, which 25 percent of all callers are asked to answer, for an annual total of approximately 1,210 respondents, and a newsletter survey consisting of 10 questions, which is sent to all U.S.-based print newsletter subscribers and which Web users have the option of completing when they exit the page where the latest issue of the newsletter is posted, for an annual total of approximately 839 respondents. NCCAM uses the data collected from the surveys to help program staff measure the impact of their communication efforts, tailor services to the public and health care providers, measure service use among special populations, and assess the most effective media and messages to reach these audiences. **Frequency of Response:** Once for the telephone survey and periodically for the newsletter survey (to measure any changes in customer satisfaction). **Affected Public:** Individuals and households. **Type of Respondents:** For the telephone survey, patients, spouses/family/friends of patients, health care providers, physicians, CAM practitioners, or other individuals contacting the NCCAM Clearinghouse; for the newsletter survey, subscribers to the print NCCAM newsletter and visitors to the newsletter page on NCCAM's Web site. The annual reporting burden is as follows:

Type of respondents	Estimated number of respondents	Estimated number of responses per respondent	Average burden hours per response	Estimated total annual burden hours requested
Telephone survey				
Individuals or households	1,150	1	0.075	86
Physicians	12	1	0.075	1
CAM/health practitioners	48	1	0.075	4

Type of respondents	Estimated number of respondents	Estimated number of responses per respondent	Average burden hours per response	Estimated total annual burden hours requested
Newsletter survey (print)				
Individuals or households	204	1	0.050	10
Physicians	27	1	0.050	2
CAM/health practitioners	108	1	0.050	5
Newsletter survey (online)				
Individuals or households	300	1	0.050	15
Physicians	40	1	0.050	2
CAM/health practitioners	160	1	0.050	8
Annualized totals	2,049	.....	.....	133

The annualized cost to respondents is estimated at \$1,770 for the telephone survey, \$507 for the print newsletter survey, and \$714 for the online newsletter survey. There are no Capital Costs to report. There are no Operating or Maintenance Costs to report.

Request for Comments: Written comments and/or suggestions from the public and affected agencies are invited on the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Direct Comments to OMB: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Regulatory Affairs, New Executive Office Building, Room 10235, Washington, DC 20503, Attention: Desk Officer for NIH. To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Christy Thomsen, Director, Office of Communications and Public Liaison, NCCAM, 31 Center Drive, Room 2B-11, Bethesda, MD 20892-2182; or fax your request to 301-402-4741; or e-mail thomsenc@mail.nih.gov. Ms. Thomsen can be contacted by telephone at 301-451-8876.

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 30 days of the date of this publication.

Dated: May 30, 2006.

Christy Thomsen,

Director, Office of Communications and Public Liaison, National Center for Complementary and Alternative Medicine, National Institutes of Health.

[FR Doc. E6-8679 Filed 6-2-06; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852-3804; telephone: 301/496-7057; fax: 301/402-0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Multiplex Microarray for Simultaneous Detection of Hepatitis C Virus, Hepatitis B Virus, and Human Immunodeficiency Virus Type-1

Description of Technology: Available for licensing and commercial development are patent rights that cover a specific and sensitive microarray (TTD-V-1) and multiplex assay for the simultaneous detection and discrimination of Hepatitis C Virus (HCV), Hepatitis B Virus (HBV) and Human Immunodeficiency Virus Type-1 (HIV-1), which include both RNA and DNA genomes. Four specific probes (30-45 bp oligonucleotides) for each of these three viruses as well as the two internal controls were designed. Totally, each microarray consists of 20 probes immobilized on silylated glass slides. The single-stranded Cy5-labeled samples for microarray hybridization were obtained from labeling the amplicons using primer extension thermocycling. The multiplex microarray assay was able to detect and discriminate as low as 3 copies of genotypes A, B, C, D, and 10 copies of genotype E of HBV, 10 copies of HCV (genotype 1b), and 20 copies of HIV-1 (group M, subtype B) in a single multiplex reaction. The microarray assay could also detect the coexistence of two or three of these viruses and discriminate them simultaneously. The results of this study demonstrated the feasibility and performance of microarray-based multiplex detection of the three viruses, HCV, HBV, and HIV-1 in comparison with conventional individual PCR and gel electrophoresis technique.

Inventors: Chu Chieh Xia, Gerardo Kaplan, Hira Nakhasi, Amy Yang, Raj Puri (FDA).

Patent Status: U.S. Provisional Application No. 60/759,214 filed January 17, 2006 (HHS Reference No. E-077-2006/0-US-01).

Licensing Status: Available for non-exclusive or exclusive licensing.

Licensing Contact: Michael A. Shmilovich, Esq.; 301/435-5019; shmilovm@mail.nih.gov.

Collaborative Research Opportunity: The Food and Drug Administration's Center for Biologics Evaluation and Research (CBER) is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize this technology. Please contact Beatrice Droke, Technology Development Coordinator, FDA, (301) 827-7008 for more information.

Ear Hole Cutter for Animal Identification and Tissue Sampling

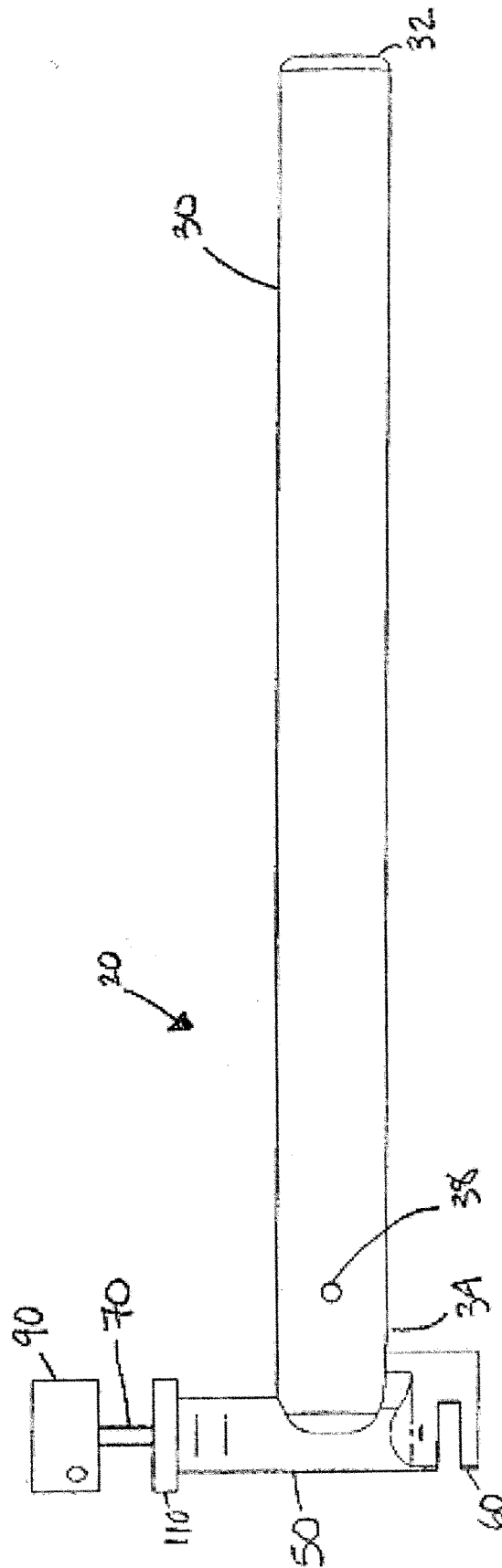
Description of Technology: This invention provides a better way of

identification and tissue sampling for lab animals. Current systems rely on a technology that was never meant for biological use, namely the technology of paper punches. Such punches punch a hole through a mouse's ear with predictable consequences: "hanging chads" of tissue that must be excised with scissors, wasting time and further traumatizing the mouse's delicate physiology. Equally inefficient, the technician must pick up the tissue with a forceps to put it in a tube, if DNA typing is needed.

In contrast, a new device designed by a veterinarian and his collaborators allows rapid and painless punching/sampling. It cuts, rather than punches, holes of various diameters through

animal ears. This thumb-powered cutter utilizes stainless steel hypo-tubing (like a hypodermic needle, but without the sharp point) to make holes. Instead of pressing with all of one's might to punch a hole, just a light press on the spring-loaded shaft is sufficient to quickly and nearly-painlessly cut a perfectly round hole through an ear. A tube can be loaded underneath the hypo-tubing to catch the tissue plug for genotyping of each animal.

A prototype of the apparatus is currently available (see figure below). Although designed for mice, the device can be scaled for use with other rodents, pigs, cows, rabbits, sheep or other animals.



Inventors: Brandon P. Reines (NIAID), Andriy Morgun (NIAID), Natalia Shulzhenko (NIAID), Franklin Sharpnack (ORS), Howard E. Metger (ORS), Jimmie Powell (ORS).

Patent Status: U.S. Provisional Application No. 60/783,209 filed March 16, 2006 (HHS Reference No. E-012-2006/0-US-01).

Licensing Contact: Michael A. Shmilovich, Esq.; 301/435-5019; shmilovm@mail.nih.gov.

System and Methods for Detecting and Characterizing Macromolecular Interactions in Solution

Description of Technology: The present invention relates to systems and methods for sensitive detection and characterization of macromolecular interactions in homogenous or heterogeneous solutions of biological and/or synthetic macromolecules. The disclosed method of detection does not require labeling or chemical modification of any test substance, and it is as rapid or more rapid than presently available methods. The system includes a dispenser to dispense a solution containing one or more macromolecular solute components whose concentrations vary with time in a controlled fashion, and two detectors to measure, respectively, the time-dependent static light scattering and composition of the dispensed solution. The composition of solution may be determined from measurements of either UV-visible absorbance or differential refractive index. The light

scattering and composition detectors are installed in parallel, so that at any given time point, both detectors collect data from elements of solution of identical composition. High resolution information about the stoichiometry and strength of macromolecular interactions is subsequently obtained by quantitative analysis of the composition dependence of static light scattering. This invention could provide a valuable tool for high-throughput proteomics research.

Inventors: Allen P. Minton *et al.* (NIDDK).

Patent Status: U.S. Provisional Application No. 60/703,814 filed July 28, 2005 (HHS Reference No. E-167-2005/0-US-01).

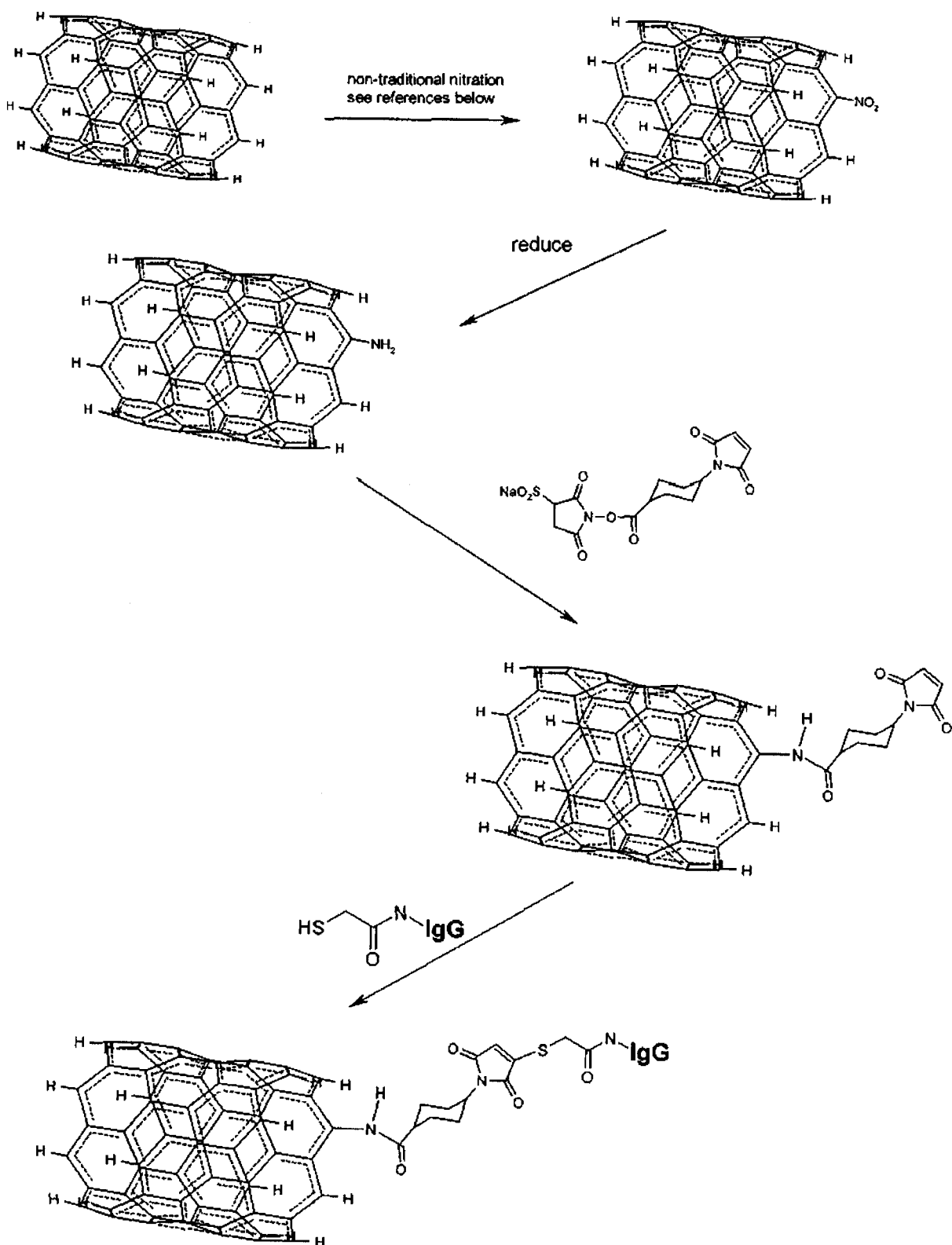
Licensing Contact: Chekeshia Clingman, Ph.D.; 301/435-5018; clingman@mail.nih.gov.

Ultrasonic Waves With Nanovessels or Tethered Nanotube/Monoclonal Antibody Composites for Cancer Therapy

Description of Technology: Available for licensing and commercial development are compositions and their methods of use for delivering therapeutic agents transported on or inside nanostructures to target sites for cancer therapy. Ultrasonic waves are aimed at the therapeutic site and tuned to open nanostructures delivered to the site. Alternately, nanostructures violently exploding by ultrasound may not need to contain additional specific therapeutic agents in order to destroy cells in close proximity to the blast.

Therapeutic site-specific cloned antibodies (immunoglobulin (IgG)) or other immunity-based biomolecules are used to carry nanotubes (single wall nanovessels). These are covalently bound to the IgGs, to the sites of interest.

Ultrasound waves with a frequency absorbed by the nanotubes (about 20–40 KHz), are used to explode the carbon nanotubes in proximity to the tumor. The concept of using ultrasound waves to explode carbon nanotubes is analogous to the ultrasonic method that is used to destroy kidney stones. Ultrasound is capable of penetrating deep through tissue without tissue damage because the frequency of the waves can be adjusted to be absorbed only by the target, here carbon, boron-nitride, or other nanostructures. The technique can also be used to deliver substances that are cytotoxic to tumor cells, encapsulated inside the nanostructures. Once the IgG delivers drug-filled nanostructures to the tumor, ultrasonic waves are used to break open the nanostructures and release the tumor toxic substances. In each case, antibodies (immunoglobulins (IgGs)) are used to carry nanotubes specifically to a tumor and ultrasonic waves are used to either explode or break open the nanotubes, destroying the tumor. The covalent attachment of the carbon nanotubes to the antibody will rely on the terminal carbon atoms of each tube. Hydrogen atoms covalently linked to the carbon can be nitrogenated to facilitate later attachment to IgG through a linker:



Inventors: Jon G. Wilkes (FDA), Dan A. Buzatu (FDA), Dwight W. Miller (FDA), Jerry A. Darsey (Univ Arkansas), Thomas M. Heinze (FDA), Alexandru S. Biris (Univ Arkansas), Mark Diggs (Diggs & Assocs).

Patent Status: U.S. Patent Application No. 11/005,380 filed December 6, 2004 (HHS Reference No. E-091-2004/0-US-01).

Licensing Status: All licensing inquiries should be directed to Michael McAllister, University of Arkansas at Little Rock, Office of Technology Transfer, 2801 South University Avenue, Little Rock, AR 72204-1099; Phone: 501/569-8658; E-mail: jmmccalliste@uaur.edu.

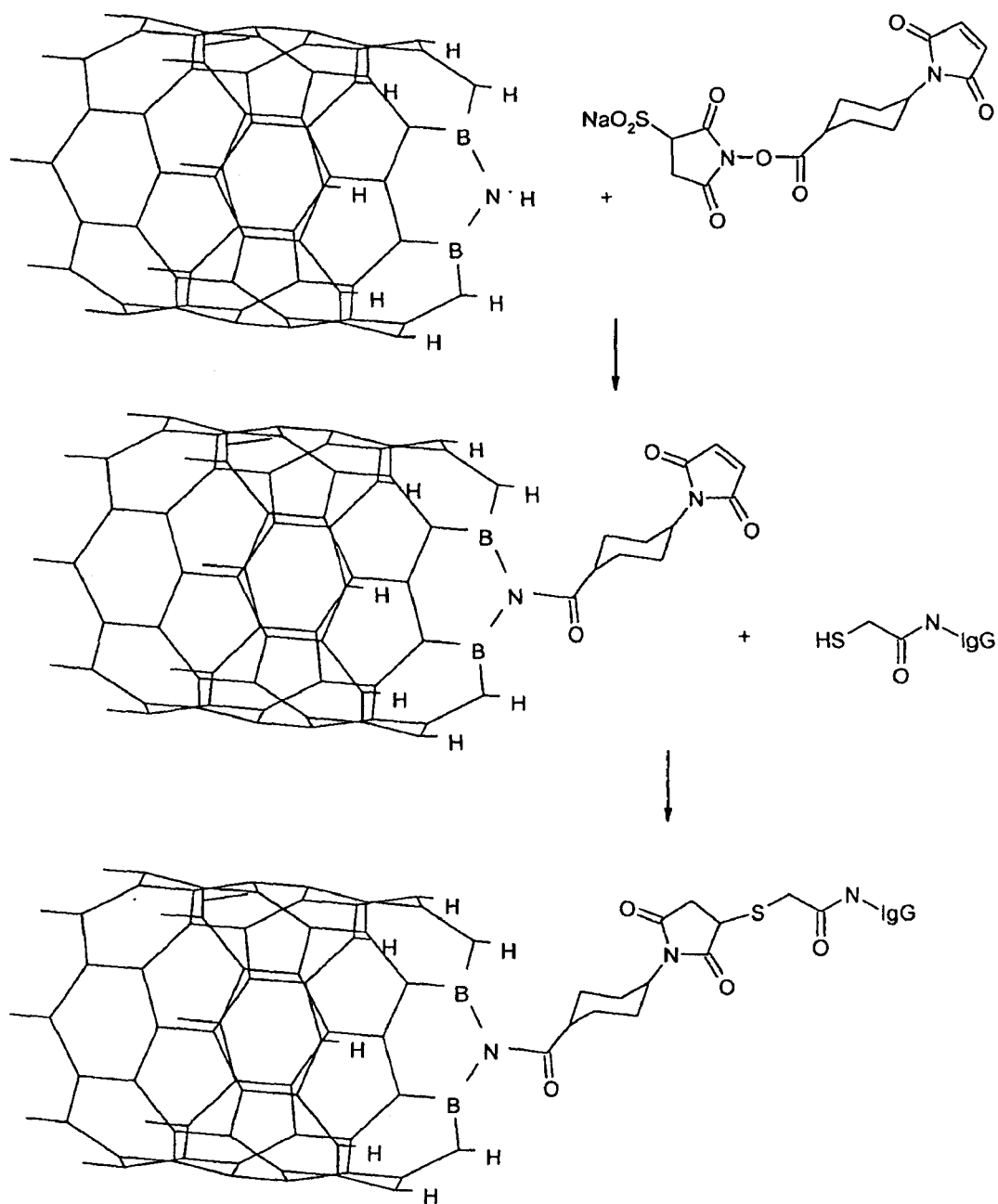
NIH Contact: Michael A. Shmilovich, Esq.; 301/435-5019; shmilovm@mail.nih.gov.

Radio-Activated Boron-Nitride Nanotube-Antibody Conjugates for Cancer Therapy and Diagnostics

Description of Technology: Available for licensing and commercial development is a cancer therapy and diagnostic that utilizes a variation of "Boron Neutron Capture Therapy"

(BNCT) using radio-activate boron-nitride (BN) nanotubes, covalently bound to tumor-cloned antibodies (immunoglobulins (IgGs)) to deliver intense, short-lived, therapeutic doses of radiation specifically to active tumor sites. The therapy involves activation of the BN nanotubes with a neutron beam (as in BNCT) once the antibody (immunoglobulin (IgG)) carrier molecules reach their target tissue. This invention addresses two important limitations in of present BNCT: (1) The ability to target accurately the tumor tissue, and (2) the amount of radiation, *e.g.*, how many boron atoms can be delivered to the tumor site. Most molecules that are currently used by BNCT can only deliver one or two boron atoms per molecule and do so without cancer cell target specificity. Thus BNCT is only as specific as the columniation of the neutron-activating beam allows. The instant BN nanotubes can deliver significant numbers of boron atoms (100s to 1000s) *specifically* to the tumor site while avoiding exposures to surrounding tissue. BNCT is a technique that relies on (non-radioactive) ^{10}B delivery specifically to a tumor site and

then activating it using an accurate beam of epithermal neutrons (low energy neutrons with velocities adjusted to penetrate tissue to the specific tumor depth where the ^{10}B has lodged). BN nanotube structure is similar to the "rolled-up-graphite" structure of a carbon nanotube, six member rings but with boron atoms bound to three surrounding nitrogen atoms, and the nitrogen atoms bound to surrounding boron atoms (no conjugation). Thus, each BN nanotube is composed of a substantial number of boron atoms: *e.g.*,—50%, meaning hundreds to thousands for each nanotube. Boron has a relatively large radioactive cross section and can be easily made radioactive in a neutron flux. Radioactive boron is an alpha and gamma emitter with isotopes of ^{12}B and ^{13}B , having gamma energies of 4.439MeV and 3.68MeV, respectively. The covalent attachment of the BN nanotubes to the antibody (Immunoglobulin (IgG)) will rely on the terminal nitrogen atoms of each tube and can be accomplished using the following linker reaction:



Inventors: Dan A. Buzatu (FDA), Jon G. Wilkes (FDA), Dwight W. Miller (FDA), Jerry A. Darsey (Univ Arkansas), Thomas M. Heinze (FDA), Alexandru S. Biris (Univ Arkansas), Richard Beger (FDA).

Patent Status: U.S. Patent Application No. 11/005,412 filed December 6, 2004 (HHS Reference No. E-090-2004/0-US-01).

Licensing Status: All licensing inquiries should be directed to Michael McAllister, University of Arkansas at Little Rock, Office of Technology Transfer, 2801 South University Avenue, Little Rock, AR 72204-1099; Phone: 501/569-8658; E-mail: jmmccalliste@uaur.edu.

NIH Contact: Michael A. Shmilovich, Esq.; 301/435-5019; shmilovm@mail.nih.gov.

Dated: May 24, 2006.

David R. Sadowski,

Acting Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 06-5105 Filed 6-2-06; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Exclusive License: GLP-1 Exendin-4 Peptide Analogs and Uses Thereof

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: This is notice, in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i), that the National Institutes of Health (NIH), Department of Health and Human Services, is contemplating the grant of an exclusive license worldwide to practice the invention embodied in U.S. Patent Application Number 10/485,140 filed January 27, 2004, entitled "GLP-1 Exendrin-4 Peptide Analogs and Uses Thereof," to Amylin Pharmaceuticals, Inc., having a place of business in San Diego, CA 92121. The contemplated exclusive license may be limited to use to human therapeutics for diabetes, obesity and cardiovascular disease, as well as neurological and neurodegenerative diseases, disorders and injuries. The United States of America is the assignee of the patent rights in this invention.

DATES: Only written comments and/or application for a license which is received by the NIH Office of

Technology Transfer on or before August 4, 2006 will be considered.

ADDRESSES: Request for a copy of the patent, inquires, comments, and other materials relating to the contemplated license should be directed to: Marlene Astor, Technology Licensing Specialist, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852-3804; Telephone: 301-435-4426; Facsimile: 301-402-0220; e-mail: ms482m@nih.gov.

SUPPLEMENTARY INFORMATION: Type-2 diabetes and neurodegeneration (e.g., Alzheimer's disease, Parkinson's disease, peripheral neuropathy, stroke) are leading causes of death in the United States and worldwide. The present invention pertains to the disclosure of novel peptide analogues of Glucagons-like peptide-1 (GLP-1) and Exendin-4 and their uses in the treatment of (i) diabetes and (ii) neurodegenerative disorders.

Type-2 diabetes is caused by dysfunction of the pancreatic beta cells that may result in concomitant decrease in insulin production. Insulin replacement has been an effective therapy for the treatment of Type-2 diabetes. However, insulin therapy, although life saving, does not restore normal levels of glucose and postprandial levels of glucose continues to be excessively high in individuals on insulin therapy. Further, the therapy may result in adverse effects including hyperglycemia, hypoglycemia, metabolic acidosis and ketosis. Therefore, a better therapeutic formula may be needed that may increase the efficacy of the treatment and minimize the side effects. The present invention discloses a method of treating a subject with diabetes with novel GLP-1/Exendin-4 peptides. These are GLP-1 agonists and elicit insulinotropic actions.

The GLP-1 receptor is additionally found in the brain as well as associated to pancreatic islets cells. Its stimulation in brain has been found to be neurotrophic and neuroprotective in both tissue culture and in vivo against a variety of toxic insults. Peptides of the said invention possess activity in a variety of predictive models of neurodegeneration, and may have potential in a variety of diseases both associated (peripheral neuropathy) and unassociated (Alzheimer's disease, Parkinson's disease, stroke and peripheral neuropathy) with diabetes J. Alz. Dis. 4: 487-96, 2002; J. Pharmacol. Exp. Ther. 300:958-66, 2002 & 302:881-888, 2002.

The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within 60 days from the date of this published Notice, the NIH receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Properly filed competing applications for a license filed in response to this notice will be treated as objections to the contemplated license. Comments and objections submitted in response to this notice will not be made available for public inspection, and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: May 26, 2006.

David R. Sadowski,

Acting Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. E6-8678 Filed 6-2-06; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Co-Exclusive License: Human Monoclonal Antibody, Their Fragments and Derivatives as Biotherapeutics for the Treatment of HIV Infections

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: This is notice, in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i), that the National Institutes of Health (NIH), Department of Health and Human Services, is contemplating the grant of a co-exclusive license to practice the inventions embodied in:

1. U.S. Provisional Patent Application Serial No. S/N 60/378,406, PCT/US03/14905, NIH (DHHS) Ref. No. E-144-2002/1-PCT-02 converted into 03733940.5 (E-144-2002/1-EP-04) filed in Europe on November 25, 2004, and 2003239356 (E-144-2002/1-AU-05) filed in Australia October 29, 2004, 10/512,966 (E-144-2002/1-US-03) filed in USA October 28, 2004, as well as 2485120 (E-144-2002/1-CA-06) filed in Canada May 6, 2003, entitled: "Identification of Novel Broadly Cross-Reactive Neutralizing Human

Monoclonal Antibodies". Inventor(s): Dimiter S. Dimitrov (NCI) and Mei-Yun Zhang (SAIC).

2. U.S. Patent Application, S/N 60/506,946 (E-316-2003/0-US-01), PCT/US2004/31878 (E-316-2003/0-PCT-02) entered the national stage filing on March 29, 2006 in USA (E-316-2003/0-US-03), in Canada (E-316-2003/0-CA-04), in Europe (E-316-2003/0-EP-05), and in Australia (E-316-2003/0-AU-06), entitled: "Immunoglobulins With Potent and Broad Antiviral Activity". Inventor(s): Dimiter S. Dimitrov (NCI) and Mei-Yun Zhang (SAIC) to Virosys Pharmaceuticals Inc. (hereafter Virosys) having a place of business in Los Altos Hills, California, and Profectus Biosciences, Inc. (hereafter Profectus) having a place of business in Baltimore, Maryland. The patent rights in these inventions have been assigned to the United States of America.

DATES: Only written comments and/or application for a license, which are received by the NIH Office of Technology Transfer on or before August 4, 2006 will be considered.

ADDRESSES: Requests for a copy of the patent application, inquiries, comments and other materials relating to the contemplated license should be directed to: Sally Hu, Ph.D., M.B.A., Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852-3804; E-mail: huss@od.nih.gov; Telephone: (301) 435-5606; Facsimile: (301) 402-0220.

SUPPLEMENTARY INFORMATION: The first invention (E-144-2002/1-PCT-02) describes two single chain fragment variable (scFv) clones, designated M6 and M9 that were selected from phage-displayed X5 scFv mutants library by panning the library against gp₁₂₀^{89-6/III}B-CD4 complex using the alternating antigen panning strategy (AAP). M6 and M9 are stable and have significant improved binding activities to gp₁₂₀^{III}B. Both scFvs inhibit more efficiently membrane fusion of HIV mediated by envelop glycoproteins of primary HIV isolates with a broader spectrum compared to other antibodies such as X5, indicating that the scFv form may be a more proper form compared to the Fab form for HIV-1 neutralizing antibodies to inhibit virus infection and transmission. Furthermore, scFv is a single molecule almost half the size of Fab, which makes it more suitable for constructing bivalent and multivalent antibodies and antibody fusion proteins. M6 and M9 are cross-reactive with HIV-1 isolates so that these antibodies could be directly used for therapy of HIV-1 infected individuals. In addition, these

antibodies can also be used for screening of peptide phage display libraries, libraries of Envs, and in general as tools for development of HIV vaccines and therapeutics.

The second invention (E-316-2003) describes methods of inhibiting viral infection, such as HIV-1, by administering a fusion protein comprising a small size, single chain Fv (scFv) antibody-binding domain joined to an Fc region by a long flexible linker. In particular, scFv M6 or M9, and their complex with two-domain soluble CD4 are joined to Fc by a long flexible linker to provide a new agent for the inhibition of HIV infection or immunotherapy of HIV-infected individuals. The Fc region provides stability, long half-life, and biological effector functions. The scFv-Fc fragment provides antigen recognition and neutralizing activity. The small size of the scFv-Fc fusion molecule provides easy access to conserved viral epitopes exposed before or during viral entry. In addition, these fusion molecules exhibit neutralization activity that is higher than that of whole IgGs, and comparable to or better than that of scFv. Thus, this invention may offer a novel approach to treat and prevent HIV-1 infection and/or AIDS, is related to invention E-144-2002/1, and may strengthen the company's portfolio of technologies being developed.

The prospective co-exclusive license will be royalty bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective co-exclusive license may be granted unless, within 60 days from the date of this published Notice, NIH receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

The field of use may be limited to the development of human monoclonal antibodies for use as a therapeutic or preventative in HIV infection either alone or in combination with other compounds.

Properly filed competing applications for a license filed in response to this notice will be treated as objections to the contemplated license. Comments and objections submitted in response to this notice will not be made available for public inspection, and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: May 26, 2006.

David R. Sadowski,

Acting Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. E6-8680 Filed 6-2-06; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Toxicology Program (NTP); Center for the Evaluation of Risks to Human Reproduction (CERHR); Availability of the Draft NTP Brief on Di-(2-ethylhexyl) phthalate; Request for Public Comments

AGENCY: National Institute for Environmental Health Sciences (NIEHS); National Institutes of Health (NIH).

ACTION: Request for comments.

SUMMARY: CERHR invites the submission of public comments on the draft NTP Brief for di-(2-ethylhexyl)phthalate (DEHP). The draft NTP Brief is available from the CERHR Web site (<http://cerhr.niehs.nih.gov> see "CERHR Reports & Monographs") or in hardcopy from CERHR (see **ADDRESSES** below). Public comments will be considered during the peer review and finalization of the NTP Brief.

DATES: Written comments on the draft NTP Brief for DEHP should be received by July 5, 2006.

ADDRESSES: Public comments and any other correspondence should be addressed to Dr. Michael D. Shelby, CERHR Director, NIEHS, P.O. Box 12233, MD EC-32, Research Triangle Park, NC 27709 (mail), (919) 541-3455 (phone), (919) 316-4511 (fax), or shelby@niehs.nih.gov (e-mail). Courier address: CERHR, 79 T.W. Alexander Drive, Building 4401, Room 103, Research Triangle Park, NC 27709.

SUPPLEMENTARY INFORMATION:

Background

DEHP (CAS RN: 117-81-7) is a high production volume chemical used as a plasticizer of polyvinyl chloride in the manufacturer of a wide variety of consumer products, such as building products, car products, clothing, food packaging, children's products (but not in toys intended for mouthing) and in polyvinyl chloride medical devices. On October 10-12, 2005, CERHR convened an expert panel to conduct an updated evaluation of the potential reproductive and developmental toxicities of DEHP.

The expert panel report was released for public comment on November 21, 2005 (**Federal Register** Vol. 70, No. 220, pp. 69567, November 16, 2005). Following this public comment period, CERHR staff prepared the draft NTP Brief for DEHP that provides in plain language:

- Background information on the substance(s).
- Findings of the expert panel.
- Discussion of any relevant data available after the expert panel meeting.
- NTP's conclusions on the potential for the substance to cause adverse reproductive and/or developmental effects in exposed humans.

Upon finalization, the NTP Brief for DEHP will be included in the CERHR Monograph for DEHP. The draft NTP Brief for DEHP and related background materials, including the DEHP expert panel report and previously received public comments, are available on the CERHR Web site (<http://cerhr.niehs.nih.gov> see Di-(2-ethylhexyl)phthalate under "CERHR Reports & Monographs").

Request for Comments

The NTP invites written public comments on the draft NTP Brief for DEHP. Any comments received will be posted on the CERHR Web site and considered during the peer review and finalization of the NTP Brief for DEHP. Persons submitting written comments are asked to include their name and contact information (affiliation, mailing address, telephone and facsimile numbers, e-mail, and sponsoring organization, if any) and submit comments to Dr. Shelby (see **ADDRESSES** above) for receipt by July 5, 2006.

Background Information on CERHR

The NTP established CERHR in June 1998 [**Federal Register**, December 14, 1998 (Volume 63, Number 239, page 68782)]. CERHR is a publicly accessible resource for information about adverse reproductive and/or developmental health effects associated with exposure to environmental and/or occupational exposures.

CERHR invites the nomination of agents for review or scientists for its expert registry. Information about CERHR and the nomination process can be obtained from its homepage (<http://cerhr.niehs.nih.gov>) or by contacting Dr. Michael Shelby, CERHR Director (see **ADDRESSES**). CERHR selects chemicals for evaluation based upon several factors including production volume, potential for human exposure from use and occurrence in the environment, extent of public concern, and extent of data from reproductive and developmental toxicity studies. Expert

panels conduct scientific evaluations of agents selected by CERHR in public forums. Following these evaluations, CERHR prepares the NTP-CERHR monograph on the agent evaluated. The monograph is transmitted to appropriate federal and state agencies and made available to the public.

Dated: May 25, 2006.

Samuel H. Wilson,

Deputy Director, National Institute of Environmental Health Sciences and National Toxicology Program.

[FR Doc. E6-8677 Filed 6-2-06; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG-2006-24935]

Merchant Marine Personnel Advisory Committee; Notice of Open Teleconference Meetings

AGENCY: Coast Guard, DHS.

ACTION: Notice of meetings.

SUMMARY: This notice announces teleconferences of the Merchant Marine Personnel Advisory Committee (MERPAC). The Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**. The purpose of these teleconferences is for MERPAC to discuss and prepare comments to the docket on the joint Transportation Security Administration's (TSA) and Coast Guard's Transportation Worker's Identification Credential (TWIC) proposed rule and on the Coast Guard's Merchant Mariner Credential (MMC) proposed rule. MERPAC provides advice and makes recommendations to the Coast Guard on matters related to the training, qualification, licensing, certification, and fitness of seamen serving in the U.S. merchant marine.

DATES: The teleconference calls will take place on Tuesday, June 20th, 2006, from 12 p.m. until 3 p.m., and on Thursday, June 29th, 2006, from 12 p.m. until 3 p.m. These meetings may adjourn early if all business is finished.

ADDRESSES: Members of the public may participate by dialing 1-202-366-3920, pass code 6934 on June 20th, and by dialing 1-202-366-3920, pass code 7124 on June 29th. Public participation is welcomed; however, the number of teleconference lines is limited and available on a first-come, first-served basis. Members of the public may also participate by coming to Room 1208,

U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593-0001.

FOR FURTHER INFORMATION CONTACT: For questions on this notice, contact Mr. Gould, Assistant to the Executive Director, telephone 202-372-1409, fax 202-372-1926, or e-mail mgould@comdt.uscg.mil.

SUPPLEMENTARY INFORMATION: Notice of these meetings is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2 (Pub. L. 92-463, 86 Stat. 770, as amended).

Tentative Agendas

Tuesday, June 20, 2006

- 12 p.m.–12:05 p.m.: Welcome and Opening Remarks—MERPAC Chairman Andrew McGovern.
- 12:05 p.m.–2:30 p.m.: Open discussion and solicitation of comments to the docket of the Transportation Security Administration's (TSA) Transportation Worker's Identification Credential (TWIC) proposed rules and of the Coast Guard's Merchant Mariner Credential (MMC) proposed rules.
- 2:30 p.m.–3 p.m.: Public comment period.
- 3 p.m.: Meeting adjourned.

Thursday, June 29, 2006

- 12 p.m.–12:05 p.m.: Welcome and Opening Remarks—MERPAC Chairman Andrew McGovern.
- 12:05 p.m.–2:30 p.m.: Open discussion and solicitation of comments to the docket of the Transportation Security Administration's (TSA) Transportation Worker's Identification Credential (TWIC) proposed rules and of the Coast Guard's Merchant Mariner Credential (MMC) proposed rules.
- 2:30 p.m.–2:45 p.m.: Public comment period.
- 2:45 p.m.–3 p.m.: MERPAC votes on and delivers official recommendations to the Coast Guard.
- 3 p.m.: Meeting adjourned.

Procedural

All meetings are open to the public. Please note that the meetings may adjourn early if all business is finished. At the Chair's discretion, members of the public may make oral presentations during the meetings. If you would like to make an oral presentation at a meeting, please notify Mr. Gould no later than June 13, 2006.

Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities

or to request special assistance at the meetings, contact Mr. Gould as soon as possible.

Dated: May 30, 2006.

Howard L. Hime,

Acting Director of Standards, Assistant Commandant for Prevention.

[FR Doc. E6-8631 Filed 6-2-06; 8:45 am]

BILLING CODE 4910-15-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4950-FA-08]

Announcement of Funding Awards for Fiscal Year 2005; Community Development Work Study Program

AGENCY: Office of the Assistant Secretary for Policy Development and Research, HUD.

ACTION: Announcement of funding awards.

SUMMARY: In accordance with Section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this document notifies the public of funding awards for the Fiscal Year 2005 Community Development Work Study Program (CDWSP). The purpose of this document is to announce the names and addresses of the award winners and the amount of the awards to be used to attract economically disadvantaged and minority students to careers in community and economic development, community planning and community management, and to provide a cadre of well-qualified professionals to plan, implement, and administer local community development programs.

FOR FURTHER INFORMATION CONTACT: Susan Brunson, Office of University Partnerships, U.S. Department of Housing and Urban Development, Room 8106, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 708-3061, ext. 3852. To provide service for persons who are hearing- or speech-impaired, this number may be reached via TTY by dialing the Federal Information Relay Service on (800) 877-8399, or (202) 708-1455. (Telephone numbers, other than the two "800" numbers, are not toll free.)

SUPPLEMENTARY INFORMATION: The CDWSP is administered by the Office of University Partnerships under the Assistant Secretary for Policy Development and Research. The Office of University Partnerships administers HUD's ongoing grant programs to institutions of higher education. These colleges and universities assist in bringing their traditional missions of

teaching, research, service, and outreach to bear on the pressing local problems in their communities.

The CDWSP was enacted in the Housing and Community Development Act of 1988. (Earlier versions of the program were funded by the Community Development Block Grant Technical Assistance Program from 1982 through 1987 and the Comprehensive Planning Assistance Program from 1969 through 1981.) Eligible applicants include institutions of higher education having qualifying academic degrees, and area-wide planning organizations and states that apply on behalf of such institutions. The CDWSP funds graduate programs only. Each participating institution of higher education is funded for a minimum of three and maximum of five students under the CDWSP. The CDWSP provides each participating student up to \$9,000 per year for a work stipend (for internship-type work in community building) and \$5,000 per year for tuition and additional support (for books and travel related to the academic program). Additionally, the CDWSP provides the participating institution of higher education with an administrative allowance of \$1,000 per student per year.

The Catalog of Federal Domestic Assistance number for this program is 14.512.

On March 21, 2005, (70 FR 13773), HUD published a Notice of Funding Availability (NOFA) announcing the availability of \$2.8 million in FY 2005 funds and \$391,144 in previously unexpended funds for the CDWSP. The Department reviewed, evaluated and scored the applications received based on the criteria in the NOFA. As a result, HUD has funded the applications announced below and, in accordance with Section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (103 Stat. 1987, U.S.C. 3545), the Department is publishing details concerning the recipients of funding awards as follows (More information about winners can be found at <http://www.oup.org>):

List of Awardees for Grant Assistance Under the FY 2005 Community Development Work Study Program Funding Competition, by Name, Address, Phone Number, Grant Amount and Number of Students Funded

Region I

1. University of Massachusetts, Dr. John Hird, University of Massachusetts, Terrace Research Administration Building, 70 Butterfield, Amherst, MA

01003. Grant: \$90,000 to fund three students.

2. Southern New Hampshire University, Ms. Cathy LaForge, Southern New Hampshire University, 2500 North River Road, Manchester, NH 03106. Grant: \$90,000 to fund three students.

3. University of Massachusetts-Lowell, Ms. Linda Concino, University of Massachusetts, 883 Broadway, 2nd Floor, Lowell, MA 01854. Grant: \$90,000 to fund three students.

Region II

4. Research Foundation of CUNY-Hunter College, Dr. Terry Mizrahi, Research Foundation of CUNY-Hunter College, 695 Park Avenue, New York, NY 10021. Grant: \$90,000 to fund three students.

5. The Research Foundation of the State University of New York, Mr. Jeffery Schieder, The Research Foundation of the State University of New York, The UB Commons, Suite 211, 520 Lee Entrance, Amherst, NY 14228. Grant: \$90,000 to fund three students.

6. Rutgers, State University of New Jersey, Mrs. Simona Turcu, Rutgers, State University of New Jersey, Rutgers Plaza, Office of Research and Sponsored Programs, New Brunswick, NJ 08901. Grant: \$90,000 to fund three students.

Region III

7. Virginia Polytechnic and State University, Ms. Elaine Broadstone, Virginia Polytechnic and State University, 460 Turner Street, Suite 306, Blacksburg, VA 24060. Grant: \$90,000 to fund three students.

8. University of Pittsburgh, Dr. David Miller, University of Pittsburgh, Office of Research, 350 Thackeray Hall, Pittsburgh, PA 15260. Grant: \$90,000 to fund three students.

9. Howard University, Mr. Wayne Patterson, Howard University, 2400 6th Street, NW., Washington, DC 20059. Grant: \$90,000 to fund three students.

10. West Virginia University Research Corporation, Dr. Christopher Plein, West Virginia University Research Corporation, PO Box 6845, 866 Chestnut Ridge Road, Morgantown, WV 26506. Grant: \$90,000 to fund three students.

11. Trustees of the University of Pennsylvania, Dr. Eugenie Birch, Trustees of the University of Pennsylvania, 3451 Walnut Street, P 221 Franklin Building, Philadelphia, PA 19104. Grant: \$90,000 to fund three students.

Region IV

12. University of Tennessee-Chattanooga, Dr. Deborah Arfken,

University of Tennessee-Chattanooga, 615 McCallie Avenue, Dept. #4905, Chattanooga, TN 37403. Grant: \$90,000 to fund three students.

13. North Carolina Central University, Mr. Tyrone Eaton, North Carolina Central University, 1801 Fayetteville Street, Durham, NC 27707. Grant: \$90,000 to fund three students.

14. University of Alabama at Birmingham, Dr. Akhlaque Hague, University of Alabama at Birmingham, 1530 3rd Avenue, Birmingham, AL 35924. Grant: \$90,000 to fund three students.

15. University of Memphis, Ms. Helen Awsumb, University of Memphis, Administration Building, Suite 315, Memphis, TN 38152. Grant: \$90,000 to fund three students.

16. Florida State University, Dr. Charles Connerly, Florida State University, 97 South Woodward Avenue, Tallahassee, FL 32306. Grant: \$90,000 to fund three students.

17. University of Florida, Dr. Joseli Macedo, University of Florida, PO Box 115706, Gainesville, FL 32611. Grant: \$90,000 to fund three students.

Region V

18. Minnesota State University-Mankota, Dr. Anthony Filipovitch, Minnesota State University-Mankota, 106 Morris Hall, Mankota, MN 56001. Grant: \$90,000 to fund three students.

19. Ohio State University Research Foundation, Dr. Hazel Marrow-Jones, Ohio State University Research Foundation, 1960 Kenny Road, Columbus, OH 43210. Grant: \$90,000 to fund three students.

20. Indiana University South Bend, Ms. Cindy Curvin, Indiana University South Bend, PO Box 1847, Bloomington, IN 47402. Grant: \$90,000 to fund three students.

21. Michigan State University, Dr. Herb Norman, Michigan State University, 301 Administration, East Lansing, MI 48824. Grant: \$90,000 to fund three students.

22. The Regents of the University of Michigan, Ms. Gayle Jackson, The Regents of the University of Michigan, 3003 S. State Street, Wolverine Tower Building, Room 1044, Ann Arbor, MI 48109. Grant: \$90,000 to fund three students.

23. University of Illinois-Chicago, Dr. Curtis Winkle, University of Illinois-Chicago, MB 502, M/C 551, 809 S. Marshfield Avenue, Chicago, IL 60612. Grant: \$90,000 to fund three students.

24. Cleveland State University, Dr. Wendy Kellogg, Cleveland State University, 2121 Euclid Avenue, Cleveland, OH 44115. Grant: \$90,000 to fund three students.

25. University of Minnesota, Ms. Darville, University of Minnesota, 200 Oak Street, SE, 450 McNamara Alumni Center, Minneapolis, MN 55455. Grant: \$90,000 to fund three students.

26. University of Wisconsin-Milwaukee, Mr. Stephen Percy, University of Wisconsin-Milwaukee, PO Box 340, Milwaukee, WI 53201. Grant: \$90,000 to fund three students.

Region VI

27. North Central Texas Council of Government, Ms. Lucille Johnson, North Central Texas Council of Government, PO Box 5888, Arlington, TX 76005. Grant: \$270,000 to fund three students at three institutions.

Region VII

28. University of Nebraska at Omaha, Dr. Russell Smith, University of Nebraska at Omaha, 6001 Dodge Street, Omaha, NE 68182. Grant: \$90,000 to fund three students.

29. University of Kansas Center for Research, Mr. John Nalbandian, University of Kansas Center for Research, 2385 Irving Hill, Lawrence, KS 66045. Grant: \$90,000 to fund three students.

30. Kansas State University, Mr. Larry L. Lawhon, Kansas State University, 2 Fairchild Hall, Manhattan, KS 66506. Grant: \$90,000 to fund three students.

31. Iowa State University, Mr. Thane Peterson, Iowa State University, 1138 Pearson, Ames, IA 50011. Grant: \$90,000 to fund three students.

Region IX

32. University of Southern California, Mr. Leonard Mitchell, University of Southern California, University Park Campus, Los Angeles, CA 90089. Grant: \$90,000 to fund three students.

33. California Polytechnic State University, Ms. Patti Wilhelm, California Polytechnic State University, 1 Grand Avenue, San Luis Obispo, CA 93407. Grant: \$90,000 to fund three students.

34. The Regents of the University of California, Ms. Susan Hedley, The Regents of the University of California, 336 Sproull Hall, MC 5940, Berkeley, CA 94720. Grant: \$90,000 to fund three students.

Region X

35. University of Oregon, Ms. Megan Smith, University of Oregon, 5219 University of Oregon, Eugene, OR 97403. Grant: \$90,000 to fund three students.

36. Eastern Washington University, Dr. Fred Hurand, Eastern Washington University, 210 Showalter Hall, Cheney, WA 99004. Grant: \$90,000 to fund three students.

Dated: May 26, 2006.

Darlene F. Williams,

Assistant Secretary.

[FR Doc. E6-8639 Filed 6-2-06; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4513-N-24]

Credit Watch Termination Initiative

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: This notice advises of the cause and effect of termination of Origination Approval Agreements taken by HUD's Federal Housing Administration (FHA) against HUD-approved mortgagees through the FHA Credit Watch Termination Initiative. This notice includes a list of mortgagees which have had their Origination Approval Agreements terminated.

FOR FURTHER INFORMATION CONTACT: The Quality Assurance Division, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room B133-P3214, Washington, DC 20410-8000; telephone (202) 708-2830 (this is not a toll free number). Persons with hearing or speech impairments may access that number through TTY by calling the Federal Information Relay Service at (800) 877-8339.

SUPPLEMENTARY INFORMATION: HUD has the authority to address deficiencies in the performance of lenders' loans as provided in HUD's mortgagee approval regulations at 24 CFR 202.3. On May 17, 1999 (64 FR 26769), HUD published a notice on its procedures for terminating Origination Approval Agreements with FHA lenders and placement of FHA lenders on Credit Watch status (an evaluation period). In the May 17, 1999 notice, HUD advised that it would publish in the **Federal Register** a list of mortgagees, which have had their Origination Approval Agreements terminated.

Termination of Origination Approval Agreement: Approval of a mortgagee by HUD/FHA to participate in FHA mortgage insurance programs includes an Origination Approval Agreement (Agreement) between HUD and the mortgagee. Under the Agreement, the mortgagee is authorized to originate single family mortgage loans and submit them to FHA for insurance endorsement. The Agreement may be terminated on the basis of poor

performance of FHA-insured mortgage loans originated by the mortgagee. The termination of a mortgagee's Agreement is separate and apart from any action taken by HUD's Mortgage Review Board under HUD's regulations at 24 CFR part 25.

Cause: HUD's regulations permit HUD to terminate the Agreement with any mortgagee having a default and claim rate for loans endorsed within the preceding 24 months that exceeds 200 percent of the default and claim rate within the geographic area served by a HUD field office, and also exceeds the national default and claim rate. For the 26th review period, HUD is terminating the Agreement of mortgagees whose default and claim rate exceeds both the national rate and 200 percent of the field office rate.

Effect: Termination of the Agreement precludes that branch(s) of the mortgagee from originating FHA-insured single family mortgages within the area of the HUD field office(s) listed in this notice. Mortgagees authorized to purchase, hold, or service FHA insured mortgages may continue to do so.

Loans that closed or were approved before the termination became effective may be submitted for insurance endorsement. Approved loans are (1)

those already underwritten and approved by a Direct Endorsement (DE) underwriter employed by an unconditionally approved DE lender and (2) cases covered by a firm commitment issued by HUD. Cases at earlier stages of processing cannot be submitted for insurance by the terminated branch; however, they may be transferred for completion of processing and underwriting to another mortgagee or branch authorized to originate FHA insured mortgages in that area. Mortgagees are obligated to continue to pay existing insurance premiums and meet all other obligations associated with insured mortgages.

A terminated mortgagee may apply for a new Origination Approval Agreement if the mortgagee continues to be an approved mortgagee meeting the requirements of 24 CFR 202.5, 202.6, 202.7, 202.8 or 202.10 and 202.12, if there has been no Origination Approval Agreement for at least six months, and if the Secretary determines that the underlying causes for termination have been remedied. To enable the Secretary to ascertain whether the underlying causes for termination have been remedied, a mortgagee applying for a new Origination Approval Agreement

must obtain an independent review of the terminated office's operations as well as its mortgage production, specifically including the FHA-insured mortgages cited in its termination notice. This independent analysis shall identify the underlying cause for the mortgagee's high default and claim rate. The review must be conducted and issued by an independent Certified Public Accountant (CPA) qualified to perform audits under Government Auditing Standards as provided by the General Accounting Office. The mortgagee must also submit a written corrective action plan to address each of the issues identified in the CPA's report, along with evidence that the plan has been implemented. The application for a new Agreement should be in the form of a letter, accompanied by the CPA's report and corrective action plan. The request should be sent to the Director, Office of Lender Activities and Program Compliance, 451 Seventh Street, SW., Room B133-P3214, Washington, DC 20410-8000 or by courier to 490 L'Enfant Plaza, East, SW., Suite 3214, Washington, DC 20024-8000.

Action: The following mortgagees have had their Agreements terminated by HUD:

Mortgagee name	Mortgagee branch address	HUD office jurisdictions	Termination effective date	Homeownership centers
Allied Home MTG Capital Corp.	141 J Technology Dr., Garner, NC 27529	Greensboro	3/30/06	Atlanta.
Creative Mortgage Inc.	5200 DTE Pkwy, Ste. 400, Englewood, CO 80111 ...	Denver	3/30/06	Denver.
Everett Financial Inc.	17290 Preston RD Ste. 300, Dallas, TX 75252	Dallas	3/30/06	Denver.
International Lending Solutions Inc.	6041 S. Syracuse Way Ste. 200, Greenwood Village, CO 80111.	Denver	2/19/06	Denver.
WR Starkey Mortgage LLP	700 Highlander Blvd., Arlington, TX 70615	Fort Worth	3/30/06	Denver.

Dated: May 25, 2006.

Brian D. Montgomery,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. E6-8638 Filed 6-2-06; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4639-N-10]

Notice of HUD-Held Multifamily and Healthcare Loan Sale (MHLS 2006-1)

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice of sale of mortgage loans.

SUMMARY: This notice announces HUD's intention to sell certain unsubsidized multifamily and healthcare mortgage loans, without Federal Housing

Administration (FHA) insurance, in a competitive, sealed bid sale (MHLS 2006-1). This notice also describes generally the bidding process for the sale and certain persons who are ineligible to bid.

DATES: The Bidder's Information Package (BIP) will be made available to qualified bidders on May 17, 2006. Bids for the loans must be submitted on the bid date, which is currently scheduled for June 21, 2006. HUD anticipates that awards will be made on or before June 22, 2006. Closings are expected to take place on June 28, 2006.

ADDRESSES: To become a qualified bidder and receive the BIP, prospective bidders must complete, execute, and submit a Confidentiality Agreement and a Qualification Statement acceptable to HUD. Both documents will be available on the HUD Web site at <http://www.hud.gov/offices/hsg/comp/asset/>

[mfam/mhls.cfm](#). The executed documents must be mailed and faxed to SSD Inc., HUD's Transaction Specialist for the sale, at 1400 K Street, NW., Suite 950, Attention: MHLS 2006-1 Sale Coordinator, Fax: (202) 464-3047.

FOR FURTHER INFORMATION CONTACT: John Lucey, Acting Deputy Director, Asset Sales Office, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 3136, Washington, DC 20410-8000; telephone (202) 708-2625, extension 3927 or Gregory Bolton, Senior Attorney, Office of Insured Housing, Multifamily Division, Room 9230; telephone (202) 708-0614, extension 5245. Hearing- or speech-impaired individuals may call (202) 708-4594 (TTY). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: HUD announces its intention to sell in MHLS 2006-1 certain unsubsidized mortgage

loans (Mortgage Loans) secured by multifamily and healthcare properties located throughout the United States. The Mortgage Loans are comprised primarily of non-performing mortgage loans. A final listing of the Mortgage Loans will be included in the BIP. The Mortgage Loans will be sold without FHA insurance and with servicing released. HUD will offer qualified bidders an opportunity to bid competitively on the Mortgage Loans.

The Mortgage Loans will be stratified for bidding purposes into several mortgage loan pools. Each pool will contain Mortgage Loans that generally have similar performance, property type, geographic location, lien position and other characteristics. Qualified bidders may submit bids on one or more pools of Mortgage Loans or may bid on individual loans. A mortgagor who is a qualified bidder may submit an individual bid on its own Mortgage Loan. Interested Mortgagors should review the Qualification Statement to determine whether they may also be eligible to qualify to submit bids on one or more pools of Mortgage Loans or on individual loans in MHLS 2006-1.

The Bidding Process

The BIP will describe in detail the procedure for bidding in MHLS 2006-1. The BIP will also include a standardized nonnegotiable loan sale agreement (Loan Sale Agreement).

As part of its bid, each bidder must submit a deposit equal to the greater of \$100,000 or 10% of the bid price. HUD will evaluate the bids submitted and determine the successful bids in its sole and absolute discretion. If a bidder is successful, the bidder's deposit will be non-refundable and will be applied toward the purchase price. Deposits will be returned to unsuccessful bidders. Closings are scheduled to occur on June 28, 2006.

These are the essential terms of sale. The Loan Sale Agreement, which will be included in the BIP, will contain additional terms and details. To ensure a competitive bidding process, the terms of the bidding process and the Loan Sale Agreement are not subject to negotiation.

Due Diligence Review

The BIP will describe the due diligence process for reviewing loan files in MHLS 2006-1. Qualified bidders will be able to access loan information remotely via a high-speed Internet connection. Further information on performing due diligence review of the Mortgage Loans will be provided in the BIP.

Mortgage Loan Sale Policy

HUD reserves the right to add Mortgage Loans to or delete Mortgage Loans from MHLS 2006-1 at any time prior to the Award Date. HUD also reserves the right to reject any and all bids, in whole or in part, without prejudice to HUD's right to include any Mortgage Loans in a later sale. Mortgage Loans will not be withdrawn after the Award Date except as is specifically provided in the Loan Sale Agreement.

This is a sale of unsubsidized mortgage loans. Pursuant to the Multifamily Mortgage Sale Regulations, 24 CFR 290.30 *et seq.*, the Mortgage Loans will be sold without FHA insurance. Consistent with HUD's policy as set forth in 24 CFR 290.35, HUD is unaware of any Mortgage Loan that is delinquent and secures a project (1) for which foreclosure appears unavoidable, and (2) in which very-low income tenants reside who are not receiving housing assistance and who would be likely to pay rent in excess of 30 percent of their adjusted monthly income if HUD sold the Mortgage Loan. If HUD determines that any Mortgage Loans meet these criteria, they will be removed from the sale.

Mortgage Loan Sale Procedure

HUD selected a competitive sale as the method to sell the Mortgage Loans primarily to satisfy the Mortgage Sale Regulations. This method of sale optimizes HUD's return on the sale of these Mortgage Loans, affords the greatest opportunity for all qualified bidders to bid on the Mortgage Loans, and provides the quickest and most efficient vehicle for HUD to dispose of the Mortgage Loans.

Bidder Eligibility

In order to bid in the sale, a prospective bidder must complete, execute and submit both a Confidentiality Agreement and a Qualification Statement acceptable to HUD. The following individuals and entities are ineligible to bid on any of the Mortgage Loans included in MHLS 2006-1:

(1) Any employee of HUD, a member of such employee's household, or an entity owned or controlled by any such employee or member of such an employee's household;

(2) Any individual or entity that is debarred, suspended, or excluded from doing business with HUD pursuant to Title 24 of the Code of Federal Regulations, part 24;

(3) Any contractor, subcontractor and/or consultant or advisor (including any agent, employee, partner, director,

principal or affiliate of any of the foregoing) who performed services for or on behalf of HUD in connection with MHLS 2006-1;

(4) Any individual who was a principal, partner, director, agent or employee of any entity or individual described in subparagraph 3 above, at any time during which the entity or individual performed services for or on behalf of HUD in connection with MHLS 2006-1;

(5) Any individual or entity that uses the services, directly or indirectly, of any person or entity ineligible under subparagraphs 1 through 4 above to assist in preparing any of its bids on the Mortgage Loans;

(6) Any individual or entity which employs or uses the services of an employee of HUD (other than in such employee's official capacity) who is involved in MHLS 2006-1;

(7) Any mortgagor (or affiliate of a mortgagor) that failed to submit to HUD on or before March 31, 2006, audited financial statements for 1999 through 2005 for a project securing a Mortgage Loan; and

(8) Any individual or entity and any Related Party (as such term is defined in the Qualification Statement) of such individual or entity that is a mortgagor in any of HUD's multifamily housing programs and that is in default under such mortgage loan or is in violation of any regulatory or business agreements with HUD, unless such default or violation is cured on or before June 14, 2006.

In addition, any entity or individual that serviced or held any Mortgage Loan at any time during the 2-year period prior to May 31, 2006, is ineligible to bid on such Mortgage Loan or on the pool containing such Mortgage Loan, but may bid on loan pools that do not contain Mortgage Loans that they have serviced or held at any time during the 2-year period prior to May 31, 2006. Also ineligible to bid on any Mortgage Loan are: (a) Any affiliate or principal of any entity or individual described in the preceding sentence; (b) any employee or subcontractor of such entity or individual during that 2-year period; or (c) any entity or individual that employs or uses the services of any other entity or individual described in this paragraph in preparing its bid on such Mortgage Loan.

Prospective bidders should carefully review the Qualification Statement to determine whether they are eligible to submit bids on the Mortgage Loans in MHLS 2006-1.

Freedom of Information Act Requests

HUD reserves the right, in its sole and absolute discretion, to disclose information regarding MHLS 2006–1, including, but not limited to, the identity of any successful bidder and its bid price or bid percentage for any pool of loans or individual loan, upon the closing of the sale of all the Mortgage Loans. Even if HUD elects not to publicly disclose any information relating to MHLS 2006–1, HUD will have the right to disclose any information that HUD is obligated to disclose pursuant to the Freedom of Information Act and all regulations promulgated thereunder.

Scope of Notice

This notice applies to MHLS 2006–1 and does not establish HUD's policy for the sale of other mortgage loans.

Dated: May 25, 2006.

Brian D. Montgomery,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. E6–8640 Filed 6–2–06; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR**Bureau of Land Management**

[CA 660–06–5101–ER]

Proposed Wind Energy Project

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to prepare a joint Environmental Impact Statement (EIS) and Environmental Impact Report (EIR).

SUMMARY: In compliance with the National Environmental Policy Act (NEPA) of 1969, 40 CFR 1508.22, and the California Environmental Quality Act (CEQA), notice is hereby given that the Bureau of Land Management (BLM) and the City of Palm Springs intend to prepare a joint Environmental Impact Statement (EIS) and Environmental Impact Report (EIR) for a proposed wind energy facility on public and private land in the Coachella Valley. The EIS/EIR will describe and analyze alternatives for a proposed wind energy generating facility on approximately 600 acres in the Whitewater floodplain in the Coachella Valley, Riverside County, California.

DATES: This notice initiates the public scoping process. Comments on issues may be submitted in writing to the address listed below. Additionally, a public meeting will be held to encourage public input. The public

meeting will be announced through the local news media, newspapers, and the BLM Web site (<http://www.ca.blm.gov/palmsprings>) at least 15 days prior to the event. Additional opportunities for public participation will be provided upon publication of the draft EIS/EIR.

ADDRESSES: Comments should be sent to Greg Hill, Wind Energy Project, Bureau of Land Management, 690 W. Garnet Ave., P.O. Box 581260, North Palm Springs, CA 92258 or by fax at (760) 251–4899, or by e-mail at gchill@ca.blm.gov. Documents pertinent to this proposal, including comments with the names and addresses of respondents, will be available for public review at the BLM Palm Springs-South Coast Field Office located at 690 W. Garnet Avenue, North Palm Springs, California, during regular business hours of 7:45 a.m. to 4:30 p.m., Monday through Friday, except holidays, and may be published as part of the EIS/EIR. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. BLM will not consider anonymous comments. All submissions from organizations and businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety.

FOR FURTHER INFORMATION CONTACT: For further information and/or to have your name added to our mailing list, contact Greg Hill, Wind Energy Project, Bureau of Land Management, Palm Springs-South Coast Field Office, (760) 251–4840, or by e-mail at gchill@ca.blm.gov.

SUPPLEMENTARY INFORMATION: Mountain View Power Partners IV, LLC has applied for a right of way on public lands and a conditional use permit on private lands to construct a wind energy generating facility in the Coachella Valley, in Riverside County. The project site is west of Indian Avenue and is within the corporate boundary of the City of Palm Springs and within the planning area for the draft Coachella Valley Multiple Species Habitat Conservation Plan. Operations are expected to last approximately 30 years. The proposed project would install a total of approximately 42 to 50 wind turbines on public and private lands, with a total generating capacity of approximately 49 megawatts. Related structures would include access roads, a 34.5kV powerline and an electrical

substation. If approved, the wind energy generating facility on public lands would be authorized in accordance with Title V of the Federal Land Policy and Management Act of 1976 (U.S.C.) and the Federal regulations at 43 CFR 2800. The proposed project would take approximately 7 months to construct.

Dated: January 10, 2006.

Gail Acheson,

Field Manager, Palm Springs-South Coast Field Office.

[FR Doc. E6–8681 Filed 6–2–06; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR**Bureau of Land Management**

[NM–952–06–1420–BJ]

Notice of Filing of Plats of Survey; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The plats of survey described below are scheduled to be officially filed in the New Mexico State Office, Bureau of Land Management, Santa Fe, New Mexico (30) thirty calendar days from the date of this publication.

SUPPLEMENTARY INFORMATION:**New Mexico Principal Meridian, New Mexico:**

The plat representing the dependent resurvey and subdivision of sections in township 24 North, Ranges 9 East, accepted March 30, 2006, for Group 1032 New Mexico.

The supplemental plat, representing the subdivision of sections for Township 20 North, Range 9 & 10 East, accepted March 30, 2006, for New Mexico.

The plat representing the dependent resurvey and subdivision of sections for Township 22 South, Range 2 East, accepted March 29, 2006 for Group 937 New Mexico.

The plat representing the dependent resurvey and survey for Township 16 North, Range 17 East, accepted January 12, 2006 for Group 1030 New Mexico.

The plat representing the dependent resurvey and subdivision of sections for Township 15 North, Range 1 East, accepted December 29, 2005 for Group 1031 New Mexico.

The plat representing the dependent resurvey and subdivision of sections for Township 26 North, Range 6 East, accepted December 12, 2005 for Group 943 New Mexico.

The plat, in two sheets, representing the dependent resurvey and survey for Township 13 North, Range 12 West, accepted May 9, 2006, for Group 1013 New Mexico.

Indian Meridian, Oklahoma:

The plat representing the dependent resurvey and survey for Township 8 North, Range 7 East, accepted February 6, 2006, for Group 108 Oklahoma.

The plat representing the dependent resurvey and survey for Township 9 south, Range 1 East, accepted March 10, 2006 for Group 132 Oklahoma.

The plat representing the dependent resurvey and survey for Township 8 North, Range 14 East, accepted April 5, 2006 for Group 119 Oklahoma.

The plat representing the dependent resurvey and survey for Township 22 North, Range 4 East, accepted April 12, 2006 for Group 137 Oklahoma.

If a protest against a survey, as shown on any of the above plats is received prior to the date of official filing, the filing will be stayed pending consideration of the protest. A plat will not be officially filed until the day after all protests have been dismissed.

A person or party who wishes to protest against any of these surveys must file a written protest with the New Mexico State Director, Bureau of Land Management, stating that they wish to protest.

A statement of reasons for a protest may be filed with the notice of protest to the State Director, or the statement of reasons must be filed with the State Director within thirty days after the protest is filed.

FOR FURTHER INFORMATION CONTACT:

These plats will be available for inspection in the New Mexico State Office, Bureau of Land Management, and P.O. Box 27115, Santa Fe, New Mexico, 87502-0115. Copies may be obtained from this office upon payment of \$1.10 per sheet.

Dated: May 23, 2006.

Robert A. Casias,

Chief Cadastral Surveyor, New Mexico.

[FR Doc. 06-5080 Filed 6-2-06; 8:45 am]

BILLING CODE 4310-FB-M

INTERNATIONAL TRADE COMMISSION

[USITC SE-06-037]

Notice of Sunshine Act Meeting

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: June 7, 2006 at 11 a.m.

PLACE: Room 101, 500 E Street, SW., Washington, DC 20436, *Telephone:* (202) 205-2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda for future meetings: none.
2. Minutes.
3. Ratification List.

4. Inv. Nos. 701-TA-309-A and B and 731-TA-696 (Second Review) (Pure and Alloy Magnesium from Canada and Pure Magnesium from China)—briefing and vote. (The Commission is currently scheduled to transmit its determination and Commissioners' opinions to the Secretary of Commerce on or before June 20, 2006.)

5. Outstanding action jackets: none.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

Issued: May 31, 2006.

By order of the Commission:

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 06-5137 Filed 6-1-06; 1:43 pm]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE**Federal Bureau of Investigation****Agency Information Collection Activities: Proposed Collection, Comments Requested**

ACTION: 60-day notice of information collection under review: Extension of a currently approved collection; Federal Firearms Licensee (FFL) Enrollment/E-Check Enrollment Form FFL Officer/Employee Acknowledgment of Responsibilities under the National Instant Criminal Background Check System (NICS) Form.

The Department of Justice (DOJ), Federal Bureau of Investigation (FBI), National Instant Criminal Background Check System (NICS) Section has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for 60 days until August 4, 2006. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Natalie Goff, Management and Program Analyst, Federal Bureau of Investigation, Criminal Justice Information Services (CJIS) Division, NICS Section, Module A-3, 1000 Custer Hollow Road,

Clarksburg, West Virginia 26306, or facsimile at (304) 625-2356.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency/component, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's/component's estimate of the burden of the proposed collection of the information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information

(1) *Type of Information Collection:* Extension of a Currently Approved Collection.

(2) *Title of the Form:* Federal Firearms Licensee (FFL) Enrollment/E-Check Enrollment Form FFL Officer/Employee Acknowledgment of Responsibilities under the National Instant Criminal Background Check System (NICS) Form.

(3) *Agency Form Number, if any, and the applicable component of the department sponsoring the collection:* Form Number: None. Sponsor: Criminal Justice Information Services (CJIS) Division of the Federal Bureau of Investigation (FBI), Department of Justice (DOJ).

(4) *Affected Public who will be asked or required to respond, as well as a brief abstract:* Primary: Any Federal Firearms Licensee (FFL) or State Point of Contact (POC) requesting access to conduct NICS Checks telephonically or by the Internet through the NICS E-Check.

Brief Abstract: The Brady Handgun Violence Prevention Act of 1993, required the Attorney General to establish a national instant criminal background check system that any Federal Firearms Licensee may contact, by telephone or by other electronic means, such as the NICS E-Check, for information, to be supplied immediately, on whether receipt of a firearm to a prospective purchaser would violate state or federal law. Information pertaining to licensees who

may contact the NICS is being collected to manage and control access to the NICS and to the NICS E-Check, to ensure appropriate resources are available to support the NICS, and also to ensure the privacy and security of NICS information.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that enrollment occurs at approximately 500 per month for a total of 6,000 per year.

The average response time for reading the directions for the Federal Firearms Licensee Enrollment/E-Check Enrollment Form is estimated to be two minutes; time to complete the form is estimated to be three minutes; and the time it takes to assemble, mail, or fax the form to the FBI is estimated to be three minutes, for a total of eight minutes. It is estimated that enrollment occurs at approximately 500 per month for a total of 6,000 per year.

The average hour burden for this specific form is $6,000 \times 8 \text{ minutes}/60 = 800$ hours.

The FFL Officer/Employee Acknowledgment of Responsibilities Form takes approximately three minutes to read the responsibilities and two minutes to complete the form, for a total of five minutes. The average hour burden for this specific form is $6,000 \times 5 \text{ minutes}/60 = 500$ hours.

The accompanying letter mailed with the packet takes an additional two minutes to read which would be $6,000 \times 2 \text{ minutes}/60 = 200$ hours.

The entire process of reading the letter and completing both forms would take 15 minutes per respondent. The average hour burden for completing both forms and reading the accompanying letter would be $6,000 \times 15/60 = 1,500$ hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The entire process of reading the letter and completing both forms would take 15 minutes per respondent. The average hour burden for completing both forms and reading the accompanying letter would be $6,000 \times 15/60 = 1,500$ hours.

If additional information is required, contact: Mr. Robert B. Briggs, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Suite 1600, Patrick Henry Building, 601 D Street, NW., Washington, DC 20530.

Dated: May 31, 2006.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 06-5113 Filed 6-2-06; 8:45 am]

BILLING CODE 4410-02-M

DEPARTMENT OF JUSTICE

Office of Justice Programs

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 60-day emergency notice of information collection under review: Certification of Child Safety Lock.

The Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, Firearms Enforcement Branch has submitted the following new information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with emergency review procedures of the Paperwork Reduction Act of 1995. OMB approval has been requested by May 31, 2006. The proposed information collection is published to obtain comments from the public and affected agencies. If granted, the emergency approval is only valid for 180 days. Comments should be directed to OMB, Office of Information and Regulation Affairs, Attention: Department of Justice Desk Officer (202) 395-6466, Washington, DC 20503.

During the first 60 days of this same review period, a regular review of this information collection is also being undertaken. All comments and suggestions, or questions regarding additional information, to include obtaining a copy of the proposed information collection instrument with instructions, should be directed to Barbara Terrell, Firearms Enforcement Branch, 650 Massachusetts Avenue, NW., Room 7400, Washington, DC 20226.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information,

including the validity of the methodology and assumptions used;

- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including though the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information

(1) *Type of information collection:* New.

(2) *The title of the form/collection:* Certification of Child Safety Lock.

(3) *The agency form number, if any, and the applicable component of the department sponsoring the collection:* Form Number: none. Bureau of Alcohol, Tobacco, Firearms and Explosives.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit. Other: None. New regulations require that, prior to transferring a handgun to a nonlicensee, the licensed importer, manufacturer or dealer must certify that the nonlicensee has been or within 10 days will be provided with secure gun storage or a safety device for the handgun.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that 61,356 respondents will complete the certification in approximately 5 seconds.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated total public burden associated with this information collection is 62 hours.

If additional information is required contact: Lynn Bryant, Department Deputy Clearance Officer, Policy and Planning Staff, Justice Management Division, United States Department of Justice, 601 D Street, NW., Patrick Henry Building, Suite 1600, Washington, DC 20530.

Dated: May 31, 2006.

Lynn Bryant,

Department Deputy Clearance Officer, United States Department of Justice.

[FR Doc. 06-5112 Filed 6-2-06; 8:45 am]

BILLING CODE 4410-FY-M

DEPARTMENT OF LABOR**Occupational Safety and Health Administration****Maritime Advisory Committee for Occupational Safety and Health (MACOSH); Notice of Re-Establishment**

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of re-establishment of MACOSH.

SUMMARY: In accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended (5 U.S.C., App. 2), and after consultation with the General Services Administration (GSA), the Secretary of Labor has determined that the re-establishment of the Maritime Advisory Committee for Occupational Safety and Health (MACOSH) is in the public interest. The Committee will better enable OSHA to perform the duties imposed by the Occupational Safety and Health Act of 1970 (OSH Act), 84 Stat. 1590, 29 U.S.C. 651 *et seq.* Authority to establish this Committee is found in sections 6(b) and 7(b) of the OSH Act; Section 41 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 941), and other general agency authority in Title 5 of the United States Code, and 29 CFR part 1912.

FOR FURTHER INFORMATION CONTACT: Jim Maddux, Director, Office of Maritime within the Directorate of Standards and Guidance, U.S. Department of Labor, Occupational Safety and Health Administration, Room N-3609, 200 Constitution Avenue, NW., Washington, DC 20210; Telephone: (202) 693-2086.

SUPPLEMENTARY INFORMATION:**I. Background**

The Committee will advise OSHA on matters relevant to the safety and health of workers in the maritime industry. This includes advice on maritime issues that will result in more effective enforcement, training, and outreach programs, and streamlined regulatory efforts. The maritime industry includes employers in the shipbuilding, ship repair, shipbreaking, longshoring, and marine terminal industries.

The committee will function solely as an advisory body and in compliance with the provisions of the Federal Advisory Committee Act and OSHA's regulations covering advisory committees (29 CFR part 1912). The Committee charter will be filed 15 days from the date of this publication.

II. Authority

Sections 6(b) and 7(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655, 656), section 41 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 941), other general agency authority in Title 5 of the United States Code, and 29 CFR part 1912.

Elaine L. Chao,
Secretary of Labor.

[FR Doc. E6-8656 Filed 6-2-06; 8:45 am]

BILLING CODE 4510-26-P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES**National Endowment for the Arts; Arts Advisory Panel—Notice of Change**

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a teleconference application review meeting of the Arts Advisory Panel (AccessAbility section) to the National Council on the Arts, previously announced for June 7, 2006, will instead be held on June 19, 2006, from 2 p.m.–3 p.m. (EDT) from the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506 (ending time is approximate).

Closed meetings are for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chairman of February 27, 2006, these sessions will be closed to the public pursuant to subsection (c)(6) of section 552b of Title 5, United States Code.

Further information with reference to these meetings can be obtained from Ms. Kathy Plowitz-Worden, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC 20506, or call 202/682-5691.

Dated: May 29, 2006.

Kathy Plowitz-Worden,
Panel Coordinator, Panel Operations,
National Endowment for the Arts.

[FR Doc. E6-8662 Filed 6-2-06; 8:45 am]

BILLING CODE 7537-01-P

NATIONAL SCIENCE FOUNDATION**Agency Information Collection Activities: Comment Request**

AGENCY: National Science Foundation.

ACTION: Submission for OMB review; comment request.

SUMMARY: The National Science Foundation (NSF) has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. This is the second notice for public comment; the first was published in the **Federal Register** at 71 FR 4382, and no comments were received. NSF is forwarding the proposed renewal submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; or (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for National Science Foundation, 725-17th Street, NW., Room 10235, Washington, DC 20503, and to Catherine Hines, Acting Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 295, Arlington, Virginia 22230 or send e-mail to chines@nsf.gov. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling 703-292-4414.

FOR FURTHER INFORMATION CONTACT:

Catherine Hines at (703) 292-4414 or send email to chines@nsf.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

NSF may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it

displays a currently valid OMB control number.

SUPPLEMENTARY INFORMATION:

Title of Collection: New Project Data Form.

OMB Control No.: 3145–New.

Abstract: The New Project Data Form is a component of all grant proposals submitted to NSF's Division of Undergraduate Education. This form collects information needed to direct proposals to appropriate reviewers and to report the estimated collective impact of proposed projects on institutions, students, and faculty members. Requested information includes the discipline of the proposed project, collaborating organizations involved in the project, the academic level on which the project focuses (e.g., lower-level undergraduate courses, upper-level undergraduate courses), characteristics of the organization submitting the proposal, special audiences (if any) that the project would target (e.g., women, minorities, persons with disabilities), strategic foci (if any) of the project (e.g., research on teaching and learning, international activities, integration of research and education), and the number of students and faculty at different educational levels who would benefit from the project.

Respondents: Investigators who submit proposals to NSF's Division of Undergraduate Education.

Estimated Number of Annual Respondents: 2,500.

Burden on the Public: 20 minutes (per response) for an annual total of 833 hours.

Dated: May 31, 2006.

Catherine J. Hines,

Acting Reports Clearance Officer, National Science Foundation.

[FR Doc. 06–5103 Filed 6–2–06; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–277 and 50–278, License Nos. DPR–44 and DPR–56; Docket No. 50–354, License No. NPF–57; Docket Nos. 50–272 and 50–311, License Nos. DPR–70 and DPR–75]

In the Matter of PSEG Nuclear LLC; Exelon Generation Company, LLC; (Peach Bottom Atomic Power Station, Unit Nos. 2 and 3); (Hope Creek Generating Station); (Salem Nuclear Generating Station Unit Nos. 1 and 2); Order Approving Transfers of Licenses and Conforming Amendments

I

PSEG Nuclear LLC (PSEG Nuclear) owns Hope Creek Generating Station (Hope Creek), a 57.41-percent interest in Salem Nuclear Generating Station, Unit Nos. 1 and 2 (Salem), and a 50-percent interest in Peach Bottom Atomic Power Station, Unit Nos. 2 and 3 (Peach Bottom). Exelon Generation Company, LLC (EGC) owns the remaining interests in Salem and Peach Bottom. PSEG Nuclear holds the Facility Operating License, No. NPF–57, for Hope Creek, co-holds the Facility Operating Licenses, Nos. DPR–70 and DPR–75, for Salem, and co-holds the Renewed Facility Operating Licenses, Nos. DPR–44 and DPR–56, for Peach Bottom, and is authorized to possess, use, and, except for Peach Bottom, operate the facilities in accordance with the terms and conditions of the licenses. EGC is the other co-holder of the Renewed Facility Operating Licenses for Peach Bottom, and is authorized to possess, use and operate Peach Bottom, and is the other co-holder of the Facility Operating Licenses for Salem, and is authorized to possess Salem. Hope Creek and Salem are located in Salem County, New Jersey, and Peach Bottom is located in York and Lancaster Counties, Pennsylvania.

II

By letter dated March 3, 2005, as supplemented by letters dated May 24 and October 5, 2005, EGC submitted an application requesting approval of direct license transfers that would be necessary in connection with the transfer of the ownership interests held by PSEG Nuclear in Peach Bottom to EGC. By letter dated March 4, 2005, as supplemented by letters dated May 24 and October 6, 2005, PSEG Nuclear submitted an application requesting approval of direct license transfers that would be necessary in connection with the transfer to EGC of the ownership interests held by PSEG Nuclear in Hope Creek and Salem, and the transfer of

operating authority from PSEG Nuclear to EGC.

All of the foregoing requests for approval are associated with the proposed merger of Public Service Enterprise Group (the ultimate parent company of PSEG Nuclear) into Exelon Corporation (the ultimate parent company of EGC). Upon completion of the merger, Exelon Corporation will change its name to Exelon Electric & Gas Corporation (EEG). EEG will then restructure its organization.

EGC and PSEG Nuclear also requested NRC's approval of conforming administrative license amendments that, in general, would reflect the transfers of the licenses, to the extent held by PSEG Nuclear, to EGC. No physical changes to the facilities or operational changes were proposed in the applications. After completion of the proposed license transfers, EGC would be the sole owner and operator of the facilities.

EGC and PSEG Nuclear requested approval of the transfers of the facility operating licenses and conforming license amendments pursuant to Sections 50.80 and 50.90 of Title 10 of the *Code of Federal Regulations* (10 CFR). Notices of the requests for approval and an opportunity for a hearing were published in the **Federal Register** on August 2, 2005 (70 FR 44389, 70 FR 44397, and 70 FR 44398).

One petition for leave to intervene pursuant to 10 CFR 2.309 was received on August 21, 2005, from Mr. Eric Joseph Epstein. By Memorandum and Order CLI–05–26, dated October 26, 2005, the Commission rejected Mr. Epstein's claim of standing and consequently dismissed the proceeding. The Commission directed the NRC staff to consider Mr. Epstein's contentions and supplemental filing dated October 7, 2005, as if they were "written comments" under 10 CFR 2.1305. The written comments have been considered by the NRC staff in connection with the issuance of this Order.

Pursuant to 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. Upon review of the information in the applications and other information before the Commission, and relying upon the representations and agreements contained in the applications, the NRC staff has determined that EGC is qualified to hold the licenses for Hope Creek, Salem, and Peach Bottom as proposed in the applications, and that the transfers of the licenses as proposed in the applications are otherwise consistent with applicable provisions of

law, regulations, and orders issued by the Commission, subject to the conditions set forth below. The NRC staff has further found that the applications for the proposed license amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR chapter I; the facilities will operate in conformity with the applications, the provisions of the Act and the rules and regulations of the Commission; there is reasonable assurance that the activities authorized by the proposed license amendments can be conducted without endangering the health and safety of the public and that such activities will be conducted in compliance with the Commission's regulations; the issuance of the proposed license amendments will not be inimical to the common defense and security or to the health and safety of the public; and the issuance of the proposed amendments will be in accordance with 10 CFR part 51 of the Commission's regulations and all applicable requirements have been satisfied.

The findings set forth above are supported by an NRC safety evaluation dated May 30, 2006.

III

Accordingly, pursuant to Sections 161b, 161i, and 184 of the Act, 42 U.S.C. §§ 2201(b), 2201(i), and 2234; and 10 CFR 50.80, *it is hereby ordered* that the direct transfers of the licenses as described herein are approved, subject to the following conditions:

1. At the time of the closing of the transfers of the licenses from PSEG Nuclear to EGC, PSEG Nuclear shall transfer to EGC all of PSEG Nuclear's respective decommissioning funds accumulated as of such time, and EGC shall deposit such funds in external decommissioning trust(s) established by EGC for the respective units.

2. Before completion of the transfers of the interests in the subject facilities to it, EGC shall provide to the Director of the Office of Nuclear Reactor Regulation satisfactory documentary evidence that EGC has obtained the appropriate amount of insurance required of licensees under 10 CFR part 140, "Financial Protection Requirements and Indemnity Agreements," of the Commission's regulations.

It is further ordered that, consistent with 10 CFR 2.1315(b), license amendments that make changes, as indicated in Enclosures 2 through 6 to the cover letter forwarding this Order, to conform the licenses to reflect the

subject direct license transfers are approved. The amendments shall be issued and made effective at the time the proposed direct license transfers are completed.

It is further ordered that EGC shall inform the Director of the Office of Nuclear Reactor Regulation in writing of the date(s) of closing of the direct transfers no later than 5 business days prior to closing. Should the transfers of the licenses not be completed by May 30, 2007, this Order shall become null and void, provided, however, that upon written application and for good cause shown, such date may be extended by Order.

This Order is effective upon issuance.

For further details with respect to this Order, see the initial applications dated March 3 and March 4, 2005, and supplemental letters dated May 24 (two), October 5, and October 6, 2005, and the non-proprietary safety evaluation dated May 30, 2006, which are available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area 01 F21, 11555 Rockville Pike (first floor), Rockville, Maryland and accessible electronically from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams.html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1-800-397-4209, 301-415-4737, or by e-mail to pdr@nrc.gov.

Dated at Rockville, Maryland this 30th day of May 2006.

For the Nuclear Regulatory Commission.

J.E. Dyer,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. E6-8649 Filed 6-2-06; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-263]

Nuclear Management Company, LLC; Monticello Nuclear Generating Plant; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment to Facility Operating License No. DPR-22, issued to the Nuclear Management Company (the licensee) for operation of the

Monticello Nuclear Generating Plant (MNGP), located in Wright County, Minnesota. Pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Sections 51.21 and 51.32, the NRC is issuing this environmental assessment and finding of no significant impact.

Environmental Assessment

Identification of the Proposed Action

The proposed action would be a conversion from the current Technical Specifications (CTSs) to the Improved Technical Specifications (ITSs) format based on NUREG-1433, "Standard Technical Specifications General Electric Plants BWR/4," Revision 3, dated June 2004. The proposed action is in accordance with the licensee's application dated June 29, 2005, as supplemented by letters dated April 25 (two letters), May 4, and May 12, 2006.

The Need for the Proposed Action

The Commission's "Proposed Policy Statement on Technical Specifications Improvements for Nuclear Power Reactors" (52 FR 3788), dated February 6, 1987, contained an Interim Policy Statement that set forth objective criteria for determining which regulatory requirements and operating restrictions should be included in the technical specifications (TSs) for nuclear power plants. When it issued the Interim Policy Statement, the Commission also requested comments on it. Subsequently, to implement the Interim Policy Statement, each reactor vendor owners group and the NRC staff began developing standard TSs (STSS) for reactors supplied by each vendor. The Commission then published its "Final Policy Statement on Technical Specifications Improvements for Nuclear Power Reactors" (58 FR 39132), dated July 22, 1993, in which it addressed comments received on the Interim Policy Statement, and incorporated experience in developing the STSS. The Final Policy Statement formed the basis for a revision to 10 CFR 50.36 (60 FR 36953), dated July 19, 1995, that codified the criteria for determining the content of TSs. The NRC Committee to Review Generic Requirements reviewed the STSS, made note of their safety merits, and indicated its support of conversion by operating plants to the STSS. For MNGP, NUREG-1433 documents the STSS and forms the basis for the MNGP conversion to the ITSs.

The proposed changes to the CTSs are based on NUREG-1433 and the guidance provided in the Final Policy Statement. The objective of this action is to rewrite, reformat, and streamline

the CTSs (*i.e.*, to convert the CTSs to the ITSs). Emphasis was placed on human factors principles to improve clarity and understanding.

Some specifications in the CTSs would be relocated. Such relocated specifications would include those requirements which do not meet the 10 CFR 50.36 selection criteria. These requirements may be relocated to the TS Bases document, the MNGP Updated Safety Analysis Report, the Core Operating Limits Report, the operational quality assurance plan, plant procedures, or other licensee-controlled documents. Relocating requirements to licensee-controlled documents does not eliminate them, but rather places them under more appropriate regulatory controls (*i.e.*, 10 CFR 50.54(a)(3), and 10 CFR 50.59) to manage their implementation and future changes.

Environmental Impacts of the Proposed Action

The NRC staff has completed its evaluation of the proposed action and concludes that the conversion to ITSs would not increase the probability or consequences of accidents previously analyzed and would not affect facility radiation levels or facility radiological effluents. The proposed action will not increase the probability or consequences of accidents. No changes are being made in the types of effluents that may be released off site. There is no significant increase in the amount of any effluent released off site. There is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential non-radiological impacts, the proposed action does not have a potential to affect any historic sites because no previously undisturbed area will be affected by the proposed amendment. The proposed action does not affect non-radiological plant effluents and has no other effect on the environment. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action.

Accordingly, the NRC staff concludes that there are no significant environmental impacts associated with the proposed action and, thus, the proposed action will not have any significant impact to the human environment.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the NRC staff considered denial of the proposed action (*i.e.*, the “no-

action” alternative). Denial of the application would result in no change in current environmental impacts. Thus, the environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

The action does not involve the use of any different resources than those previously considered in the Final Environmental Statement for MNGP dated November 1974.

Agencies and Persons Consulted

On April 18, 2006, the NRC staff consulted with Mr. Steve Rakow of the Minnesota Department of Commerce regarding the environmental impact of the proposed action. The State official agreed with the conclusions of the NRC.

Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated June 29, 2005, as supplemented by letters dated April 25 (two letters), May 4, and May 12, 2006, and the information provided to the NRC staff through the joint NRC-Monticello Nuclear Power Plant ITS Conversion Web page. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams/adams.html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1-800-397-4209 or 301-415-4737, or by e-mail to pdr@nrc.gov.

Dated at Rockville, Maryland, this 25th day of May 2006.

For the Nuclear Regulatory Commission.

Terry A. Beltz,

Project Manager, Plant Licensing Branch III-1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. E6-8651 Filed 6-2-06; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72-31]

Yankee Atomic Electric Company; Yankee Atomic Independent Spent Fuel Storage Installation; Issuance of Environmental Assessment and Finding of No Significant Impact

AGENCY: Nuclear Regulatory Commission.

ACTION: Issuance of environmental assessment and finding of no significant impact.

FOR FURTHER INFORMATION CONTACT:

Stewart W. Brown, Senior Project Manager, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone: (301) 415-8531; Fax number: (301) 415-8555; E-mail: swb1@nrc.gov.

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of exemptions to Yankee Atomic Electric Company (the licensee), pursuant to Title 10 of the Code of Federal Regulations (10 CFR) 72.7, from specific provisions of 10 CFR 72.212(a)(2), 72.212(b)(2)(i), 72.212(b)(7), and 72.214. The licensee is storing spent nuclear fuel under the general licensing provisions of 10 CFR part 72 in the NAC-MPC System at an independent spent fuel storage installation (ISFSI) located at the Yankee Atomic Electric Station in Rowe, Massachusetts. The requested exemptions would allow the licensee to deviate from requirements of the NAC-MPC Certificate of Compliance (CoC) No. 1025, Amendment 3, Appendix A, Technical Specifications for the NAC-MPC System, Section A 5.1, Training Program, and Section A 5.4, Radioactive Effluent Control Program. Specifically, the exemptions would relieve the licensee from the requirements to: (1) Develop training modules under its systems approach to training (SAT) program that include comprehensive instructions for the operation and maintenance of the ISFSI, except for the NAC-MPC System; and (2) submit an annual report “pursuant to 10 CFR 72.44(d)(3) or 10 CFR 50.36(a).”

II. Environmental Assessment (EA)

Identification of Proposed Action: The proposed action is to exempt the licensee from regulatory requirements to develop certain training and submit an annual report. By letter dated January 9, 2006, the licensee requested exemptions

from certain regulatory requirements of 10 CFR 72.212(a)(2), 72.212(b)(2)(i), 72.212(b)(7), and 72.214, which require a general licensee to store spent fuel in an NRC-certified spent fuel storage cask under the terms and conditions set forth in the CoC. The proposed exemptions would allow the licensee to deviate from the requirements in CoC No. 1025, Amendment 3, Appendix A, Technical Specifications for the NAC-MPC System, Section A 5.1, Training Program, and Section A 5.4, Radioactive Effluent Control Program.

CoC No. 1025, Amendment 3, Appendix A, Technical Specifications for the NAC-MPC System, Section A 5.1, Training Program, requires that a training program for the NAC-MPC System be developed under the general licensee's SAT program. Further, the training modules must include comprehensive instructions for the operation and maintenance of both the NAC-MPC System and the ISFSI. In addition, CoC No. 1025, Amendment 3, Appendix A, Technical Specifications for the NAC-MPC System, Section A 5.4, Radioactive Effluent Control Program, Item c. requires an annual report to be submitted "pursuant to 10 CFR 72.44(d)(3) or 10 CFR 50.36(a)." By exempting the licensee from the requirements of 10 CFR 72.212(a), 72.212(b)(2)(i), 72.212(b)(7), and 72.214 for this request, the licensee will not be required to either develop training modules that include comprehensive instructions for the operation and maintenance of the ISFSI or submit an annual report "pursuant to 10 CFR 72.44(d)(3) or 10 CFR 50.36(a)."

The proposed action before the NRC is whether to grant these exemptions under the provisions of 10 CFR 72.7.

Need for the Proposed Action: The requirements of CoC No. 1025, Amendment 3, Appendix A, Technical Specifications for the NAC-MPC System, Section A 5.1, Training Program, and Section A 5.4, Radioactive Effluent Control Program impose regulatory obligations, with associated costs, that do not provide a commensurate increase in safety. Granting the requested exemptions will allow the licensee not to have to: (1) Develop training modules under the SAT program that include comprehensive instructions for the operation and maintenance of the ISFSI, except for the NAC-MPC System; and (2) submit an annual report "pursuant to 10 CFR 72.44(d)(3) or 10 CFR 50.36(a)." Thus, the licensee will not incur the costs associated with these activities.

Environmental Impacts of the Proposed Action: The NRC has reviewed the exemption requests submitted by the

licensee and determined that not requiring the licensee to: (1) Develop training modules under its SAT program that include comprehensive instructions for the operation and maintenance of the ISFSI, except for the NAC-MPC System; and (2) submit an annual report "pursuant to 10 CFR 72.44(d)(3) or 10 CFR 50.36(a)" are administrative changes, and would have no significant impacts to the environment.

Further, NRC has evaluated the impact to public safety that would result from granting the requested exemptions. NRC determined that requiring the licensee to develop training modules under its SAT program for the operation and maintenance of ISFSI structures, systems, and components considered not-important-to-safety would not provide a commensurate increase in public safety associated with the costs. Therefore, allowing the licensee to develop these modules separately from its SAT program does not impact public safety. Also, NRC has determined that not requiring the licensee to submit an annual report specifying principal radionuclides released to the environment in liquid and in gaseous effluents does not impact public safety because the NAC-MPC System is a sealed and leak-tight spent fuel storage system. Thus, there should be no releases to the environment of either liquid or gaseous effluents from normal operation of the NAC-MPC System.

The proposed action would not increase the probability or consequences of accidents, no changes would be made to the types of effluents that may be released offsite, and there would be no increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action. Additionally the proposed action would have no significant non-radiological impacts.

Alternative to the Proposed Action: The alternative to the proposed action would be to deny approval of these exemptions. Denial of these exemption requests would have the same environmental impact as the proposed action.

Agencies and Persons Consulted: The NRC prepared this EA. No other sources were used. Further, The NRC has determined that a consultation under section 7 of the Endangered Species Act is not required because the proposed action will not affect listed species or critical habitats. The NRC has also determined that the proposed action is not a type of activity having the potential to cause effects on historic properties. Therefore, no consultation is required under section 106 of the

National Historic Preservation Act. Also, a draft copy of this EA was provided to the Massachusetts Radiation Control Program for review. The Massachusetts Radiation Control Program had no comments.

Conclusions: The NRC has concluded that the proposed action of granting these exemptions and not requiring the licensee to develop certain training or submit an annual report will not significantly impact the quality of the human environment and does not warrant the preparation of an environmental impact statement. Accordingly, it has been determined that a Finding of No Significant Impact is appropriate.

III. Finding of No Significant Impact

The environmental impacts of the proposed action have been reviewed in accordance with the requirements set forth in 10 CFR part 51. Based upon the foregoing EA, the NRC finds that the proposed action of granting exemptions from the specific provisions of 10 CFR 72.212(a), 72.212(b)(2)(i), 72.212(b)(7), and 72.214 and not requiring the licensee to: (1) Develop training modules under its SAT program that include comprehensive instructions for the operation and maintenance of the ISFSI, except for the NAC-MPC System; and (2) submit an annual report "pursuant to 10 CFR 72.44(d)(3) or 10 CFR 50.36(a)," will not significantly impact the quality of the human environment. Accordingly, the NRC has determined that an environmental impact statement for these proposed exemptions is not warranted.

FOR FURTHER INFORMATION CONTACT: In accordance with 10 CFR 2.390 of NRC's "Rules of Practice," final NRC records and documents regarding this proposed action, including the request for exemptions dated January 9, 2006, are publically available in the records component of NRC's Agencywide Documents Access and Management System (ADAMS). These documents may be inspected at NRC's Public Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. These documents may also be viewed electronically on the public computers located at the NRC's Public Document Room (PDR), O1F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1-800-

397-4209 or (301) 415-4737, or by e-mail to pdr@nrc.gov.

Dated at Rockville, Maryland, this 24th day of May, 2006.

For the Nuclear Regulatory Commission.

Stewart W. Brown,

Sr. Project Manager, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards.

[FR Doc. E6-8650 Filed 6-2-06; 8:45 am]

BILLING CODE 7590-01-P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

In the Matter of Universal Medical Systems, Inc.; Order of Suspension of Trading

June 1, 2006.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Universal Medical Systems, Inc. (n/k/a Moray Way Holdings, Inc.) because it has not filed any periodic reports since it filed a Form 10-SB registration statement on April 24, 1997.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed company.

Therefore, it is ordered, pursuant to section 12(k) of the Securities Exchange Act of 1934, that trading in the above-listed company is suspended for the period from 9:30 a.m. EDT on June 1, 2006, through 11:59 p.m. EDT on June 14, 2006.

By the Commission.

Nancy M. Morris,

Secretary.

[FR Doc. 06-5128 Filed 6-1-06; 11:37 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-53880; File No. SR-Amex-2006-51]

Self-Regulatory Organizations; American Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Adopt an Options Licensing Fee for Options on Market Vectors-Gold Miners Exchange-Traded Fund

May 26, 2006.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934

(“Act”)¹ and Rule 19b-4 thereunder,² notice is hereby given that on May 19, 2006, the American Stock Exchange LLC (“Amex” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. Amex has designated this proposal as one establishing or changing a due, fee, or other charge imposed by a self-regulatory organization pursuant to Section 19(b)(3)(A)(ii) of the Act³ and Rule 19b-4(f)(2) thereunder,⁴ which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Amex proposes to modify its Options Fee Schedule by adopting a per-contract license fee for the orders of specialists, registered options traders, firms, non-member market makers, and broker-dealers (collectively, “Market Participants”) in connection with options transactions on the shares of the Market Vectors-Gold Miners exchange-traded fund (symbol: GDX).

The text of the proposed rule change is available on the Exchange's Internet Web site <http://www.amex.com>, at the Exchange's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposal is to adopt a per-contract options licensing

fee in connection with options on GDX. Amex represents that it plans to assess the proposed options licensing fee on members commencing May 22, 2006.

The Exchange has entered into numerous agreements with various index providers for the purpose of trading options on certain exchange-traded funds (“ETFs”) such as GDX. As a result, the Exchange is required to pay index license fees to third parties as a condition to the listing and trading of these ETF options. In many cases, the Exchange is required to pay a significant licensing fee to the index provider that may not be reimbursed. In an effort to recoup the costs associated with certain index licenses, the Exchange has recently established per-contract licensing fees for orders of Market Participants that are collected on each option transaction in certain designated products in which such Market Participant is a party.⁵

The purpose of the proposal, therefore, is to charge an options licensing fee in connection with options on the GDX. Specifically, Amex seeks to charge an options licensing fee of \$0.05 per contract side for GDX options for Market Participant orders executed on the Exchange. In all cases, the fee would be charged only to the Exchange member through whom such order is placed.

Amex represents that the proposed options licensing fees would allow the Exchange to recoup its costs in connection with the index license fees for the trading of GDX options. The fees would be collected on every Market Participant order executed on the Exchange. The Exchange believes that requiring the payment of a per-contract licensing fee in connection with GDX options by those Market Participants that benefit from the index license agreements is justified and consistent with the rules of the Exchange.

The Exchange notes that, in recent years, it has revised a number of its fees to better align Amex fees with the actual cost of delivering services and reduce Amex's subsidization of such services. The Exchange believes that the implementation of this proposal is consistent with the reduction and/or elimination of these subsidies. Amex believes that these fees will help to allocate to those Market Participants engaging in transactions in GDX options a fair share of the related costs of offering such options for trading.

The Exchange asserts that the proposal provides for an equitable

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 15 U.S.C. 78s(b)(3)(A)(ii).

⁴ 17 CFR 240.19b-4(f)(2).

⁵ See Securities Exchange Act Release No. 52493 (September 22, 2005), 70 FR 56941 (September 29, 2005).

allocation of fees as required by Section 6(b)(4) of the Act.⁶ In connection with the adoption of options licensing fees for GDx options, the Exchange believes that charging an options licensing fee, where applicable, to all Market Participant orders, except for customer orders, is reasonable given the competitive pressures in the industry. Accordingly, the Exchange seeks, through this proposal, to better align its transaction charges with the cost of providing products.

2. Statutory Basis

The Exchange believes that the proposed fee change is consistent with Section 6(b)(4) of the Act⁷ regarding the equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act⁸ and Rule 19b-4(f)(2) thereunder⁹ because it establishes or changes a due, fee, or other charge imposed by the Exchange. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and

arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to rule-comments@sec.gov. Please include File No. SR-Amex-2006-51 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-Amex-2006-51. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing also will be available for inspection and copying at the principal office of Amex. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-Amex-2006-51 and should be submitted on or before June 26, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹⁰

Nancy M. Morris,

Secretary.

[FR Doc. E6-8644 Filed 6-2-06; 8:45 am]

BILLING CODE 8010-01-P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[Docket Number: FTA-2005-22658]

Notice of Final Policy Statement for Implementation of Notice and Comment Procedures for Documents Imposing "Binding Obligations"

AGENCY: Federal Transit Administration, DOT.

ACTION: Final notice.

SUMMARY: This final notice establishes the Federal Transit Administration's (FTA) policy concerning notice and comment for FTA documents that impose binding obligations. This final policy statement is consistent with the Safe, Accountable, Flexible, Efficient Transportation Equity Act of 2005—a Legacy for Users (SAFETEA-LU) amendments to FTA's administrative provisions statute.

DATES: *Effective Date:* June 5, 2006.

FOR FURTHER INFORMATION CONTACT: Linda Lasley, Assistant Chief Counsel, Legislation and Regulations Division, Office of the Chief Counsel, Federal Transit Administration, 400 Seventh Street, SW., Room 9316, Washington, DC 20590, (202) 366-4011 or Linda.Lasley@dot.gov.

SUPPLEMENTARY INFORMATION:

Availability of the Final Policy Statement and Comments

A copy of this policy statement, comments, and material received from the public are part of docket FTA-2005-22658 and are available for inspection or copying at the Docket Management Facility, U.S. Department of Transportation, Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

You may retrieve the rule and comments online through the Document Management System (DMS) at: <http://dms.dot.gov>. Enter docket number 22658 in the search field. The DMS is available 24 hours each day, 365 days each year. Electronic submission and retrieval help and guidelines are available under the help section of the Web site.

An electronic copy of this document may also be downloaded by using a computer, modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512-1661. Internet users may also reach the Office of the **Federal Register's** home page at: <http://www.nara.gov/fedreg> and

⁶ Section 6(b)(4) of the Act states that the rules of a national securities exchange must "provide for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities." 15 U.S.C. 78f(b)(4).

⁷ 15 U.S.C. 78f(b)(4).

⁸ 15 U.S.C. 78s(b)(3)(A)(ii).

⁹ 17 CFR 19b-4(f)(2).

¹⁰ 17 CFR 200.30-3(a)(12).

the Government Office's Web page at: <http://www.gpoaccess.gov/fr/index.html>.

Background

On August 10, 2005, President Bush signed into law the Safe, Accountable, Flexible, Efficient Transportation Equity Act of 2005—a Legacy for Users (SAFETEA-LU), which reauthorizes Federal transit, highway, and highway safety programs through September 30, 2009. That Act amends FTA's administrative procedures contained in 49 U.S.C. 5334. The amendment specifically states: "The Administrator of the Federal Transit Administration show follow applicable rulemaking procedures under section 553 of title 5 before the Federal Transit Administration issues a statement that imposes a binding obligation on recipients of Federal assistance under this chapter." The amendment also defines a "binding obligation" as: "a substantive policy statement, rule, or guidance document issued by the Federal Transit Administration that grants rights, imposes obligations, produces significant effects on private interests, or effects a significant change in existing policy."

On November 21, 2005, FTA published in the **Federal Register** a proposed policy statement for implementing the above requirements (70 FR 70111). We received seven comments on our proposal, which are summarized and responded to below.

A. Rulemaking

We proposed that when FTA promulgates a "legislative" or legally binding rule, we will provide notice and an opportunity to comment as required by the Administrative Procedure Act (APA) and we will publish the rule in the **Federal Register**. Rules that are designated as significant will be reviewed before publication in the **Federal Register** by the Office of the Management and Budget in accordance with Department of Transportation (DOT) policies and procedure and Executive Order 12866, which sets out regulatory requirements for all executive branch agencies. In addition, when Congress authorizes FTA to establish a new program, we may issue a rule setting out the basic criteria for the new program.

We received no comments on this portion of our policy statement, and, therefore, we adopt our proposal as final.

B. Circulars, Guidance, and Policy Documents

We also proposed that when FTA issues circulars, guidance documents or interpretations, and policy statements in connection with the administration of our grant programs, before adopting such documents, we will provide notice and an opportunity for the public to comment. We stated that we will establish a docket in the Department's Docket Management System and post the entire document in the docket. We would also publish a notice in the **Federal Register** announcing the document's availability and the time period for providing public comment.

We received several comments on that proposal. The New Starts Working Group (NSWG), a coalition of nearly sixty transit authorities, urged us to take a broad view of what constitutes a binding obligation. That group also stated we should minimize the use of "Dear Colleague" letters because those letters are only sent to grant recipients, project sponsors, and FTA's regional offices. The group also noted that documents should be published in full in the **Federal Register**.

In response to NSWG's point on interpreting "binding obligation" broadly, SAFETEA-LU provides a definition of binding obligation. FTA fully intends to follow this definition when it determines what we should publish for notice and comment. We agree with NSWG's contention that the use of "Dear Colleague" letters should be minimized. Accordingly, effective as of the date of this notice, FTA will no longer use "Dear Colleague" letters to impose binding obligations. Finally, NSWG did not provide a basis for its statement that documents should be published in full in the **Federal Register**. Given the prevalence of Internet accessibility, accessing documents through DOT's Docket Management System (DMS) is efficient and preferable as the docket is available 24 hours a day through the Internet. In addition, DMS provides a List Serve that can notify interested individuals, via e-mail, when FTA opens a new docket and posts a document. We strongly encourage the use of this system, which can be accessed at <http://dms.dot.gov/emailNotification/index.cfm>. That being said, from time to time, FTA may exercise its discretion and publish some documents in full in the **Federal Register**.

The American Public Transportation Association (APTA) also urged an expansive view of what constitutes a binding obligation. APTA also noted that FTA personnel may cite prior

decisions that are unpublished, unannounced or appear to represent significant changes to prior requirements. APTA suggests FTA specifically state that such determinations have no application to "non-involved" parties; or that FTA will subject those determinations to public comment before applying the determination to others. APTA did not provide a specific example of when FTA personnel have cited such unpublished authority, but an individual may request, at any time, that FTA provide the authority for our determination. FTA personnel strive for consistency in the application of our determinations and requirements. When an inconsistency becomes apparent—without a factual basis to support it—the grantee should request a clarification from FTA.

Link Transit stated in its comment that FTA should submit any compliance, compliant, or audit findings for public comment when those findings are different from previously published or documented statements by FTA. Link Transit provided an example of FTA determining that a grantee should have been reporting each paratransit denial as two denials.

Many of our determinations are based on the unique factual scenario presented, and, therefore, a one-size fits all approach is neither possible nor desirable. Time and again interested parties have used FTA to remain flexible in the application of our requirements in order to take into account any special circumstances presented. Compliance, complaint, and audit findings are very fact specific and we are reluctant to constrain our ability to conduct these proceedings on a case-by-case basis. Link Transit's example of paratransit policies is beyond the scope of this notice because the Office of the Secretary of Transportation (OST) issues the policies affecting paratransit service.

The New York Metropolitan Transportation Authority (MTA) commented that FTA should interpret binding obligations to include the "Master Agreement." MTA also questioned whether the requirement for notice and comment would apply to oral statements made by FTA personnel.

FTA disagrees with MTA that the Master Agreement should be subject to notice and comment. The Master Agreement is a contract entered into voluntarily between a potential recipient and FTA. As such, the terms negotiated between the parties are subject to contract law principles instead of APA rulemaking principles. Likewise, oral statements by FTA personnel cannot realistically be subject

to notice and comment provisions of the APA. FTA personnel attempt to provide the most accurate information to interested persons. When errors occur, we will address those errors.

Application of MTA's suggestion, would effectively eliminate all oral or informal advice given by FTA to the industry, which would have a chilling effect on a grantee's ability to receive funds in a timely fashion.

Jones and Lester (representing Access Services Incorporated) commented that FTA's ADA interpretations were not widely disseminated and it was difficult for transit properties to access those interpretations.

As noted earlier, ADA interpretations flow from OST to FTA. Even so, because those interpretations involve many operating administrations within DOT, FTA works with the industry to apply those interpretations to transit. We are also working hard to ensure a wide dissemination of those interpretations by posting them on our Web site.

Smart Growth America (SGA) commented that our proposed standard of thirty days for comment is not long enough for stakeholders to review, discuss, and weigh in on FTA's binding obligations.

SGA should be aware that FTA will consider a request for an extension of any comment period when the request is supported with a reasonable basis for the extension.

One individual's comments urge FTA to refine its view of "rights, obligations, interests, and policies." She also noted that if FTA intends for a document to be "non-binding" then it should be labeled non-binding. The comment goes on to note that, regarding Americans With Disabilities Act (ADA), it is difficult to determine the stated agency policy and FTA practice and FTA should make clear whether a regulation is an FTA regulation or an OST regulation. Additionally, the comment suggests FTA provide training to staff so as to avoid making public or private statements that treat non-binding information as binding.

FTA is unclear as to what this individual is referring to by "rights, obligations, interests, and policies." As noted earlier, SAFETEA-LU provides FTA a definition of binding obligation and FTA will follow that definition. We disagree with the suggestion of marking non-binding documents as "non-binding" for a few reasons. First, a guidance document may restate statutory or legally binding regulatory language or may recite legally binding contract language. Thus, providing a statement that the guidance is not legally binding may mislead many

people concerning their legal obligations. Second, we may publish material that contains factual information such as census data and include guidance on how to use that information. While the document is not legally binding, a statute, rule, or even tort law may require someone to use that information before taking action. Telling people that it is not legally binding may confuse someone who has a duty to properly use the information in accordance with other requirements. Third, we may advise the public that they can rely on our guidance. Sometimes we issue guidance in response to a request from those who want to know whether, if they act in a certain way, they will be in compliance with a statute or rule. Our response may tell them "yes, you will be considered in compliance;" that is, based on what they have told us, we will not take enforcement action against them if they act in accordance with our guidance. Telling such an individual that, despite these statements, the guidance is not legally binding may defeat the very certainty they are seeking. At a minimum, it will create serious confusion over such things as whether we may take enforcement action even if they follow our guidance.

Regarding the difficulty in distinguishing FTA regulations from OST regulations, when we issue a regulation, it contains a four-digit identifier (2132) for FTA as part of the Regulatory Identification Number (RIN). This is also true for OST, whose four-digit identifier is 2105. In addition to the identifiers, the regulation will contain the name OST or FTA and will amend sections of the Code of Federal Regulations (CFR) pertaining to transit or to the Secretary's office. Thus, FTA currently makes a distinction between our regulations and OST regulations. The same holds true for FTA policies.

Regarding training for FTA staff, we routinely provide training sessions for staff to make them aware of whether a document is a requirement or guidance. If mistakes happen in this area, we will work with affected individuals to correct the error.

The Disability Rights Education and Defense Fund (DREDF) submitted comments in response to Patrisha Piras' comments. That comment contained no substantive statements on FTA's proposed policy statement.

Based on these comments, FTA believes that the approach proposed in the November 21, 2005 Notice is appropriate. Accordingly, when FTA issues circulars, guidance documents or interpretations, and policy statements in connection with the administration of

our grant programs which impose "binding obligations" as defined by SAFETEA-LU, before adopting such documents, we will provide notice and an opportunity for the public to comment. We will establish a docket in the Department's Docket Management System and post the entire document in the docket. We will also publish a notice in the **Federal Register** announcing the document's availability and the time period for providing public comment. FTA will not use "Dear Colleague" letters to impose "binding obligations." The Master Agreement or compliance, complaint, and audit findings are not documents which are subject to the requirement for notice and comment.

C. Other Information

We also proposed that when we distribute material to assist grant recipients regarding specific topics of a non-binding nature, we will make those documents available on FTA's public Web site at <http://www.fta.dot.gov>.

APTA encouraged FTA to publish administrative decisions of a quasi-judicial nature, U.S. Department of Labor decisions, employee protective arrangements, charter bus decisions, and other administrative decisions (e.g. bid protests) on the FTA Web site. FTA currently posts ADA compliance reviews and Buy America waiver denials on our Web site. Bid protests in third-party contracts are routinely handled by grantees and not FTA. FTA only becomes involved in appeals when there is a Federal interest. FTA has plans in the new future to make charter bus decisions available on its Web site and FTA will consider the request to post other decisions on its Web site.

Issued in Washington, DC this 22nd day of May 2006.

Sandra K. Bushue,

Deputy Administrator.

[FR Doc. 06-5072 Filed 6-2-06; 8:45 am]

BILLING CODE 4910-57-M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[USCG-2005-22611]

Neptune LNG, L.L.C., Liquefied Natural Gas Deepwater Port License Application; Preparation of Environmental Impact Statement

AGENCY: Maritime Administration, DOT.

ACTION: Notice of availability; notice of public meeting; request for comments.

SUMMARY: The Maritime Administration (MARAD) announces the availability of

the Draft Environmental Impact Statement (DEIS) for the Neptune LNG, L.L.C., Liquefied Natural Gas Deepwater Port license application. The application describes a project that would be located in Federal waters of Massachusetts Bay, in Block 125, approximately 8 miles southeast of Gloucester, MA and 22 miles northeast of Boston, MA. The Coast Guard and MARAD request public comments on the DEIS. Publication of this notice begins a 45 day comment period and provides information on how to participate in the process. As a point of clarification, there is another deepwater port application by Northeast Gateway Energy Bridge, L.L.C. in the same vicinity. These applications are being processed and reviewed independently. The Northeast Gateway Energy Bridge, L.L.C. DEIS was noticed May 19, 2006 and is available on the Docket at USCG–2005–22219.

DATES: Public meetings will be held in Salem, MA on June 21, 2006 and in Gloucester, MA on June 22, 2006. Both meetings will be from 6 p.m. to 8 p.m. and will be preceded by an informational open house from 4:30 p.m. to 6 p.m. The public meetings may end later than the stated time, depending on the number of persons wishing to speak. Material submitted in response to the request for comments on the DEIS must reach the Docket Management Facility by July 17, 2006.

ADDRESSES: The public meeting in Salem will be at the Salem State College Library, Charlotte Forten Hall, 360 Lafayette Street, Salem, MA, telephone: 978–542–7192. The public meeting in Gloucester will be held at the Gloucester High School Auditorium, 32 Leslie O. Johnson Road, Gloucester, MA, telephone: 617–635–4100.

The DEIS, the application, and associated documentation is available for viewing at the DOT's Docket Management System Web site: <http://dms.dot.gov> under docket number 22611. The DEIS is also available at public libraries in Beverly, MA, Boston, MA (Central Library), Gloucester, MA, Manchester-by-the-Sea, MA, Marblehead, MA, and Salem, MA.

Address docket submissions for USCG–2005–22611 to: Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001.

The Docket Management Facility accepts hand-delivered submissions, and makes docket contents available for public inspection and copying at this address, in room PL–401, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The

Facility's telephone number is 202–366–9329, the fax number is 202–493–2251, and the Web site for electronic submissions or for electronic access to docket contents is <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT:

Roddy Bachman, U.S. Coast Guard, telephone: 202–372–1451, e-mail: rbachman@comdt.uscg.mil. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone: 202–493–0402.

SUPPLEMENTARY INFORMATION:

Public Meeting and Open House

We invite you to learn about the proposed deepwater port at an informational open house, and to comment at a public meeting on the proposed action and the evaluation contained in the DEIS.

In order to allow everyone a chance to speak at the public meeting, we may limit speaker time, or extend the meeting hours, or both. You must identify yourself, and any organization you represent, by name. Your remarks will be recorded or transcribed for inclusion in the public docket.

You may submit written material at the public meeting, either in place of or in addition to speaking. Written material must include your name and address, and will be included in the public docket.

Public docket materials will be made available to the public on the Docket Management Facility's Docket Management System (DMS). See "Request for Comments" for information about DMS and your rights under the Privacy Act.

All of our public meeting locations are wheelchair-accessible. If you plan to attend the open house or public hearing, and need special assistance such as sign language interpretation or other reasonable accommodation, please notify the Coast Guard (see **FOR FURTHER INFORMATION CONTACT**) at least 3 business days in advance. Include your contact information as well as information about your specific needs.

Request for Comments

We request public comments or other relevant information on the DEIS. The public meeting is not the only opportunity you have to comment. In addition to or in place of attending a meeting, you can submit comments to the Docket Management Facility during the public comment period (see **DATES**). We will consider all comments and materials received during the comment period and prepare the Final EIS (FEIS). We will announce the availability of the

FEIS and once again give you the opportunity to review and comment. If you want a notice sent directly to you, please contact representatives at the public hearing or the Coast Guard representative identified in **FOR FURTHER INFORMATION CONTACT**.

Submissions should include:

- Docket number USCG–2005–22611.
- Your name and address.
- Your reasons for making each

comment or for bringing information to our attention.

Submit comments or material using only one of the following methods:

- Electronic submission to DMS, <http://dms.dot.gov>.

- Fax, mail, or hand delivery to the Docket Management Facility (see **ADDRESSES**). Faxed or hand delivered submissions must be unbound, no larger than 8½ by 11 inches, and suitable for copying and electronic scanning. If you mail your submission and want to know when it reaches the Facility, include a stamped, self-addressed postcard or envelope.

Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the DMS Web site (<http://dms.dot.gov>), and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy Act notice that is available on the DMS Web site, or the Department of Transportation Privacy Act Statement that appeared in the **Federal Register** on April 11, 2000 (65 FR 19477).

You may view docket submissions at the Docket Management Facility (see **ADDRESSES**), or electronically on the DMS Web site.

Background

Information about deepwater ports, the statutes, and regulations governing their licensing, and the receipt of the current application for a liquefied natural gas (LNG) deepwater port appears at 70 FR 58729, October 7, 2005. The Notice of Intent to Prepare an EIS for the proposed action was published in the **Federal Register** at 70 FR 61151, October 20, 2005.

Application materials and associated comments are available on the docket. Information from the "Summary of the Application" from previous **Federal Register** notices is included below for your convenience.

Proposed Action and Alternatives

The proposed action requiring environmental review is the Federal licensing of the proposed deepwater port described in "Summary of the Application" below. The alternatives to

licensing the proposed port are: (1) Licensing with conditions (including conditions designed to mitigate environmental impact), and (2) denying the application, which for purposes of environmental review is the "no-action" alternative. These alternatives are more fully discussed in the DEIS. The Coast Guard is the lead Federal agency for the preparation of the EIS/EIR. You can address any questions about the proposed action or the DEIS to the Coast Guard project manager identified in **FOR FURTHER INFORMATION CONTACT.**

Summary of the Application

Neptune LNG, L.L.C. proposes to own, construct, and operate a deepwater port, named Neptune, in the Federal waters of the Outer Continental Shelf on blocks NK 19-04 6525 and NK 19-04 6575, approximately 8 miles southeast of Gloucester, MA and 22 miles northeast of Boston, MA, in a water depth of approximately 250 feet. The Neptune deepwater port would be capable of mooring up to two approximately 140,000 cubic meter capacity LNG carriers by means of a submerged unloading buoy system.

The LNG carriers, or shuttle and regasification vessels (SRVs), would be equipped to store, transport and vaporize LNG, and to odorize and meter natural gas which would then be sent out by conventional subsea pipelines. Each SRV would have insulated storage tanks located within its hull. Each tank would be equipped with an in-tank pump to circulate and transfer LNG to the vaporization facilities located on the deck of the SRV. The proposed vaporization system would be a closed-loop water-glycol heat exchanger heated by steam from natural gas-fired boilers.

The major fixed components of the proposed deepwater port would be an unloading buoy system, eight mooring lines consisting of wire rope and chain connecting to anchor points on the seabed, eight suction pile anchor points, approximately 2.3 miles of natural gas flow line with flexible pipe risers and risers manifolds, and approximately 11 miles of 24-inch natural gas transmission line to connect to the existing Algonquin HubLine.

Neptune would have an average throughput capacity of 500 million standard cubic feet per day (MMscfd) and a peak capacity of approximately 750 MMscfd. Natural gas would be sent out by means of two flexible risers and subsea flowlines leading to a 24-inch gas transmission pipeline. The transmission pipeline would connect the deepwater port to the existing 30-inch Algonquin HubLine. No onshore components or storage facilities are

associated with the proposed deepwater port application. Construction of the deepwater port components would be expected to take 36 months, with a startup of commercial operations in late 2009. The deepwater port would be designed, constructed and operated in accordance with applicable codes and standards and would have an expected operating life of approximately 20 years.

As required by their regulations, the U.S. Army Corps of Engineers (USACE) will maintain a permit file. The USACE New England District phone number is 978-318-8338 and their Web site is <http://www.nae.usace.army.mil>.

Comments sent to the USACE will also be incorporated into the DOT docket and EIS to ensure consistency with the NEPA process. The USACE among others are cooperating agencies and will assist in the NEPA process as described in 40 CFR 1501.6 and will conduct joint public hearings with the Coast Guard and MARAD.

Massachusetts Environmental Policy Act (MEPA)

Through a Special Review Procedure established by the Massachusetts Executive Office of Environmental Affairs (EOEA), the USCG and the MEPA Office are conducting a coordinated NEPA/MEPA review allowing a single document to serve simultaneously as both the EIS under NEPA and the Environmental Impact Report (EIR) under MEPA. The Certificates establishing the Special Review Procedure and the Scope for the Draft Environmental Impact Report can be viewed at <http://www.mass.gov/envir/mepa/secondlevelpages/recentdecisions.htm>. The Secretary of Environmental Affairs will accept written comments on the Draft Environmental Impact Report through July 17, 2006. Comments may be submitted electronically, by mail, via FAX, or by hand delivery. Please note that comments submitted on MEPA documents are public records. The mailing address for comments is: Secretary Stephen R. Pritchard, EOEA, Attn: MEPA Office, Richard Bourre, EOEA No. 13373/13374, 100 Cambridge Street, Suite 900, Boston, MA 02114.

(Authority: 49 CFR 1.66).

By Order of the Maritime Administrator.

Dated: May 30, 2006.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. E6-8632 Filed 6-2-06; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34846]

Pennsylvania Northeast Regional Railroad Authority¹—Acquisition Exemption—Lackawanna County Railroad Authority

Pennsylvania Northeast Regional Railroad Authority (PNRRA), a political subdivision of the State of Pennsylvania and a non-operating Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to acquire from Lackawanna County Railroad Authority (LCRA) approximately 65 miles of rail lines it owns in Lackawanna, Monroe and Wayne Counties, PA, including the Carbondale Line from Fell Township to the Borough of Moosic (milepost 174.6 to milepost 196.9); Vine St. Branch in the City of Scranton (milepost 2.0 to milepost 0.3); Strawberry Hill Running Track in the City of Scranton (approximately 2,000 ft); the Pocono Line from Scranton to Mt. Pocono (milepost 134 to milepost 101); the Laurel Line and Brady Lead (milepost 0.0 to milepost 4.81); the Diamond Branch of the former Delaware Lackawanna & Western Railroad extending 0.85 miles from milepost 144.75 to milepost 145.6 in Scranton; and the Minooka Industrial Track in the City of Scranton extending 2.1 miles from Little Virginia to end of track including all sidings and spurs. The lines will continue to be operated by Delaware-Lackawanna Railroad Co. pursuant to contract.

PNRRA certifies that its projected revenues as a result of this transaction will not result in the creation of a Class II or Class I rail carrier and will not exceed \$5 million annually.

The transaction was expected to be consummated on or after May 20, 2006.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34846, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Keith G. O'Brien, 1050 Seventeenth Street, NW., Suite 600, Washington, DC 20036.

¹ Formerly Monroe County Railroad Authority (MCRA). The corporate name change was effective on the consummation date of this transaction.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: May 26, 2006.

By the Board, David M. Konschnik,
Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. E6-8633 Filed 6-2-06; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-103 (Sub-No. 20X)]

The Kansas City Southern Railway Company—Abandonment Exemption—in Jefferson Parish, LA

The Kansas City Southern Railway Company (KCSR) has filed a notice of exemption under 49 CFR part 1152 subpart F—*Exempt Abandonments* to abandon 0.71 miles of rail line,¹ extending from milepost 862.14 (near Turnbull Drive) to milepost 862.85 (near Causeway Blvd.), in Jefferson Parish, LA. The line traverses United States Postal Service Zip Code 70001.

KCSR has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the

requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on July 5, 2006, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,² formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),³ and trail use/rail banking requests under 49 CFR 1152.29 must be filed by June 15, 2006. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by June 26, 2006, with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to KCSR's representative: David C. Reeves, Baker &

² The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

³ Each OFA must be accompanied by the filing fee, which was increased to \$1,300 effective on April 19, 2006. See *Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services—2006 Update*, STB Ex Parte No. 542 (Sub-No. 13) (STB served March 20, 2006).

Miller, PLLC, 2401 Pennsylvania Avenue, NW., Suite 300, Washington, DC 20037.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

KCSR has filed a combined environmental report and historic report which addresses the effects, if any, of the abandonment on the environment and historic resources. SEA will issue an environmental assessment (EA) by June 9, 2006. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423-0001) or by calling SEA, at (202) 565-1539. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.] Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), KCSR shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by KCSR's filing of a notice of consummation by June 5, 2007, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: May 25, 2006.

By the Board, David M. Konschnik,
Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. E6-8648 Filed 6-2-06; 8:45 am]

BILLING CODE 4915-01-P

¹ The rail line is a segment of the former Louisiana & Arkansas Railway Company main line that was relocated. See *Louisiana & Arkansas Railway Company—Trackage Rights Exemption—Illinois Central Gulf Railroad Company and New Orleans Terminal Company*, Finance Docket No. 30639 (ICC served April 17, 1985).



Federal Register

**Monday,
June 5, 2006**

Part II

Department of Housing and Urban Development

24 CFR Part 320

**Government National Mortgage
Association: Excess Yield Securities; Final
Rule**

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT****24 CFR Part 320**

[Docket No. FR-4958-F-02]

RIN 2503-AA18

**Government National Mortgage
Association: Excess Yield Securities****AGENCY:** Government National Mortgage Association, HUD.**ACTION:** Final rule.

SUMMARY: The Government National Mortgage Association (Ginnie Mae) has developed a new program under which Ginnie Mae will guarantee securities backed by the excess servicing income relating to one or more mortgage pools or loan packages underlying previously issued Ginnie Mae mortgage-backed securities (Excess Yield Securities). This final rule clarifies the authority of Ginnie Mae to guarantee this new product and establishes a new regulation that defines Excess Yield Securities and sets out the Ginnie Mae guaranty. This final rule follows publication of a September 14, 2005, proposed rule and public comment period. After Ginnie Mae's careful consideration of the public comment received, the proposed rule is being adopted without change.

DATES: *Effective Date:* July 5, 2006.**FOR FURTHER INFORMATION CONTACT:**

Stephen L. Ledbetter, Director, Securities Policy and Research, Government National Mortgage Association, 451 Seventh Street, SW., Room B-133, Washington, DC 20410; telephone (202) 401-8970 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number through TTY by calling the toll-free Federal Information Relay Service at (800) 877-8339.

SUPPLEMENTARY INFORMATION:**I. Background**

In order to further its statutory mission of expanding affordable housing in America by linking domestic and global capital markets to the nation's housing markets, Ginnie Mae, operating under its current legal authority, proposed to implement an Excess Yield Securities program (Excess Yield Program) by providing its guaranty to interest-only securities backed by a portion of the servicing fee that is paid out of the monthly cash flows from government-insured or government-guaranteed mortgage loans backing previously issued Ginnie Mae-guaranteed mortgage-backed securities. The cash flows backing the Excess Yield

Securities would be that portion of a qualifying issuer's servicing cash flows with respect to the related mortgage pools or loan packages that is greater than the minimum amount of servicing required by Ginnie Mae. The Excess Yield Securities would be "based on and backed by a trust or pool composed of mortgages which are insured under the National Housing Act" and would therefore be eligible for guaranty as authorized by 12 U.S.C. 1721(g)(1), just as their related Ginnie Mae-guaranteed mortgage-backed securities are.

Under the program, servicing cash flows would be pooled and would back securities guaranteed by Ginnie Mae and upon which Ginnie Mae would charge a guaranty fee pursuant to 12 U.S.C. 1721(g)(1) and 24 CFR 320 of the implementing regulations. The guaranty fee would be no more than six basis points, as stipulated by 12 U.S.C. 1721(g)(3)(A). Although a guaranty fee has been assessed against related mortgage-backed securities previously guaranteed by Ginnie Mae, the servicing cash flows that serve as the collateral for these new securities have not backed securities upon which a fee has been assessed.

The Excess Yield Program was introduced as a proposed rule in order to provide an opportunity for public notice and comment before implementation of it as a new program. The proposed rule, published September 14, 2005 (70 FR 54449), sought to affirm Ginnie Mae's authority to guarantee Excess Yield Securities, to charge guaranty fees for such guarantees, and to revise Ginnie Mae's authorizing regulations to clarify their application to the Excess Yield Program.

The Excess Yield Program will allow qualifying Ginnie Mae issuers to reduce the amount of mortgage servicing rights on their balance sheets, which should reduce the amount of capital they are required to hold against that asset. The program will also reduce issuers' need to use costly hedging tools to hedge against fluctuations in the value of their mortgage-servicing rights. As a result of the program, the liquidity of mortgage-servicing rights for Ginnie Mae issuers will increase, resulting in lower costs to issuers and encouraging the origination of government-insured and government-guaranteed loans that back Ginnie Mae mortgage-backed securities. This program will directly benefit low- and moderate-income borrowers and further Ginnie Mae's mission.

Overall, the program will generate benefits for investors, lenders, issuers, low- and moderate-income borrowers, and Ginnie Mae. Ginnie Mae will establish appropriate safeguards to

mitigate risks involved. Such safeguards will include, among other factors, a review of issuer competence and financial condition prior to allowing issuers to participate in the program. Ongoing monitoring procedures will minimize operational risks. Investor participation will be limited to institutions that meet the requirements to be classified as accredited institutional investors, thus protecting less sophisticated investors from the risks associated with interest-only securities. Commitment and guaranty fees will generate revenue to pay the costs of the program.

The September 14, 2005, rule proposed to add a new section (§ 320.8) to HUD's regulations governing the guaranty of mortgage-backed securities. Section 320.8 included a definition of Excess Yield Securities and specified that Ginnie Mae will guarantee the timely payment of interest, as provided by the terms of the security.

See the preamble to the September 14, 2005, proposed rule for a description of the Excess Yield Program and related regulatory amendments.

II. This Final Rule

This final rule follows publication of the September 14, 2005, proposed rule, and takes into consideration the public comment received on the proposed rule. After careful review of the public comment, HUD has decided to adopt the September 14, 2005, rule as final without change.

**III. Discussion of Public Comments on
the September 14, 2005, Proposed Rule**

The public comment period on the proposed rule closed on November 14, 2005. HUD received one public comment in response to the proposed rule. The comment was received from a subsidiary of a financial services retailer. This section of the preamble presents a summary of the significant issues raised by the public commenter on the September 14, 2005, proposed rule, and Ginnie Mae's response to these issues.

Comment: Support for the Excess Yield Program. The commenter wrote that the issuance of Excess Yield Securities will make Ginnie Mae securities more attractive in the marketplace, as well as make the underlying loans more affordable to borrowers applying for Federal Housing Administration (FHA)-insured and Veterans Administration (VA)-guaranteed loans.

HUD Response: HUD agrees with this comment.

Comment: The minimum service fee for Ginnie Mae I mortgage-backed

securities should be restructured in order to accommodate the Excess Yield Program. The commenter advocated expanding the program to include securities backed by excess servicing income earned from loans backing restructured Ginnie Mae I securities. The commenter wrote that this would create a more liquid market for Excess Yield Securities by increasing the potential market size, and generate more revenue for Ginnie Mae.

HUD Response: The Ginnie Mae I security, as currently structured, has no excess servicing because each loan backing a Ginnie Mae I security is required to have exactly 44 basis points of servicing. This requirement is communicated to, and understood by, investors, and is an important reason why the Ginnie Mae I security trades well in the secondary market. As a result, if Ginnie Mae were to restructure the Ginnie Mae I security to allow for the sale of a portion of that 44 basis points of servicing, the change could only apply prospectively, would require a change to the Bond Market Association's "good delivery guidelines" for trading in the TBA ("to be announced") market, and might cause a dislocation in the trading of the security. To avoid such dislocation, Ginnie Mae is currently contemplating allowing excess servicing only from Ginnie Mae II securities to back the Excess Yield Securities.

Comment: Ginnie Mae correctly assessed that the Excess Yield Program would directly benefit low- and moderate-income borrowers by lowering the costs of and encouraging the origination of government-backed loans. The commenter agreed with the assertion in the proposed rule that issuers would experience a reduction in the amount of capital needed to hold the mortgage-servicing asset and the cost to hedge it. The commenter also wrote that Excess Yield Securities would complement other efforts by Ginnie Mae to lower the cost of funds available to low- and moderate-income borrowers.

HUD Response: HUD agrees with this comment.

Comment: The Excess Yield guaranty fee should be significantly less than six basis points. The commenter wrote that for Ginnie Mae II pools issued since July 2003, the average amount of excess servicing produced monthly has ranged from approximately 15 to 25 basis points. The commenter reasoned that in relation to the "standard" six basis points Ginnie Mae guaranty fee that covers the full security coupon, the market clearing level for an Excess Yield Security guaranty fee should be significantly less than six basis points.

The commenter defined the market clearing level as the level of guaranty fee that induces participants to create Excess Yield Securities rather than retaining those cash flows.

HUD Response: Ginnie Mae will determine the appropriate guaranty fee to assess for its guaranty of Excess Yield Securities, based upon the risks to Ginnie Mae, and subject to the statutory limit of six basis points.

Comment: It would be beneficial to the marketplace for Ginnie Mae to communicate, as early as possible, the eligibility requirements for participation in the Excess Yield Program. The commenter wrote that a commitment to transparency would allow issuers to determine their eligibility and how to best conduct their issuance activities in the future.

HUD Response: Ginnie Mae is committed to being an open and transparent organization, and will provide clear guidance to the market prior to rolling out the Excess Yield Program.

IV. Findings and Certifications

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) (UMRA) establishes requirements for Federal agencies to assess the effects of their regulatory actions on state, local, and tribal governments, and the private sector. This final rule does not impose any federal mandate on any state, local, or tribal government, or the private sector, within the meaning of UMRA.

Environmental Impact

This final rule does not direct, provide for assistance or loan and mortgage insurance for, or otherwise govern or regulate, real property acquisition, disposition, leasing, rehabilitation, alteration, demolition, or new construction, or establish, revise, or provide for standards for construction or construction materials, manufactured housing, or occupancy. Accordingly, under 24 CFR 50.19(c)(1), this final rule is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

Regulatory Flexibility Act

The Secretary has reviewed this rule before publication and, by approving it, certifies, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this rule would not have a significant economic impact on a substantial number of small entities. The final rule affirms and clarifies the

authority of Ginnie Mae to guarantee a type of security it had not previously guaranteed and, as such, has no impact on entities in which the size of entities is a relevant consideration. Accordingly, the undersigned certifies that this final rule would not have a significant economic impact on a substantial number of small entities.

Executive Order 13132, Federalism

Executive Order 13132 (entitled "Federalism") prohibits, to the extent practicable and permitted by law, an agency from promulgating a regulation that has federalism implications and either imposes substantial direct compliance costs on state and local governments and is not required by statute, or preempts state law, unless the relevant requirements of Section 6 of the executive order are met. This rule does not have federalism implications and does not impose substantial direct compliance costs on state and local governments or preempt state law within the meaning of the executive order.

Executive Order 12866, Regulatory Planning and Review

OMB reviewed this rule under Executive Order 12866 (entitled "Regulatory Planning and Review"). OMB determined that this rule is a "significant regulatory action," as defined in Section 3(f) of the executive order (although not economically significant, as provided in Section 3(f)(1) of the executive order). Any changes made to the rule subsequent to its submission to OMB are identified in the docket file, which is available for public inspection in the Regulations Division, Office of the General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 10276, Washington, DC 20410–0500.

List of Subjects in 24 CFR Part 320

Mortgages, Securities.

■ Accordingly, HUD amends 24 CFR part 320 as follows:

PART 320—GUARANTY OF MORTGAGE-BACKED SECURITIES

■ 1. The authority citation for 24 CFR part 320 continues to read as follows:

Authority: 12 U.S.C. 1721(g) and 1723a(a); and 42 U.S.C. 3535(d).

■ 2. Add § 320.8 to read as follows:

§ 320.8 Excess Yield Securities.

(a) *Definition.* Excess Yield Securities are securities backed by the excess servicing income relating to mortgages

underlying previously issued Ginnie Mae mortgage-backed securities.

(b) *GNMA guaranty*. The Association guarantees the timely payment of

interest as provided by the terms of the security.

Dated: May 23, 2006.

Michael J. Frenz,

Executive Vice President.

[FR Doc. E6-8636 Filed 6-2-06; 8:45 am]

BILLING CODE 4210-67-P



Federal Register

**Monday,
June 5, 2006**

Part III

**Department of
Housing and Urban
Development**

24 CFR Parts 203 and 291

**Accelerated Claim and Asset Disposition
(ACD) Program; Advance Notice of
Proposed Rulemaking; Proposed Rule**

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**24 CFR Parts 203 and 291**

[Docket No. FR-4887-A-01; HUD-2006-0007]

RIN 2502-A114

Accelerated Claim and Asset Disposition (ACD) Program; Advance Notice of Proposed Rulemaking

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: This notice solicits comments on HUD's Accelerated Claim and Asset Disposition (ACD) program before HUD proceeds to issue a proposed rule that will commence the rulemaking process that will result in codification of the requirements for the ACD program, thus making the ACD program a permanent part of HUD's single family mortgage insurance programs. Under the ACD program, HUD will pay claims upon assignment of certain defaulted mortgage loans ("assets") insured by the Federal Housing Administration (FHA). The purpose of the ACD program is to help FHA maximize the recovery on assets sold by HUD. HUD seeks comments on the ACD Demonstration program, including recommendations of cost-effective, efficient improvements and alternatives that should be made part of the permanent program.

DATES: *Comment Due Date:* August 4, 2006.

ADDRESSES: Interested persons are invited to submit comments regarding this advance notice of proposed rulemaking to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 10276, Washington, DC 20410-0500. Interested persons also may submit comments electronically through the Federal eRulemaking Portal at: <http://www.regulations.gov>. Commenters should follow the instructions provided on that site to submit comments electronically. HUD strongly encourages commenters to submit comments electronically in order to make them immediately available to the public.

Facsimile (FAX) comments are not acceptable. In all cases, communications must refer to the docket number and title. All comments and communications submitted will be available, without charge, for public inspection and copying between 8 a.m. and 5 p.m. weekdays at the above

address. Due to security measures at the HUD Headquarters building, please schedule an appointment to review the public comments by calling the Regulations Division at (202) 708-3055 (this is not a toll-free number). Persons with hearing or speech impairments may access the above telephone number via TTY (text telephone) by calling the Federal Relay Service at 1(800) 877-8339 (this is a toll-free number). Copies of all comments submitted are available for inspection and downloading at <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Kathleen S. Malone, Director, Asset Sales Office, Office of Finance and Budget, Department of Housing and Urban Development, 451 Seventh Street SW., Room 3136, Washington, DC 20410-8000; telephone (202) 708-2625 (this is not a toll-free number). Hearing- or speech-impaired individuals may access this number through TTY by calling the toll-free Federal Information Relay Service at (800) 877-8339.

SUPPLEMENTARY INFORMATION:**I. Background**

On October 29, 2002 (67 FR 66038), HUD published a notice in the **Federal Register** announcing the establishment of the Accelerated Claim and Asset Disposition (ACD) Demonstration program. The October 29, 2002, notice followed a February 5, 2002 (67 FR 5418), notice that announced HUD's intent to establish the ACD Demonstration program and solicited public comments on the proposal. The ACD process is authorized under section 601 of the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 1999 (Pub. L. 105-276, approved October 21, 1998), which amended section 204 of the National Housing Act (12 U.S.C. 1710) to increase recoveries, produce savings, and improve the overall efficiency of the disposition of HUD-acquired single family assets.

Under amended section 204(a)(1)(A) of the National Housing Act, the Secretary of HUD is authorized to pay claims upon assignment of certain defaulted FHA-insured mortgage loans. Before implementing the new ACD disposition process on a nationwide basis, HUD has conducted an ACD Demonstration program involving a group of defaulted mortgages. This has allowed HUD to assess the overall effectiveness of this disposition process. HUD believes that improvements can be made to the program to make it more effective. Consequently, before proceeding with the regulatory

codification of the ACD program, HUD is soliciting comments from all interested parties, especially those who participated or declined to participate in the Demonstration program, on possible improvements to the program.

II. This Advance Notice of Proposed Rulemaking

This notice solicits comments on HUD ACD Demonstration program before HUD issues a proposed rule to codify the requirements for the ACD program. When codified, the ACD program will become a permanent part of HUD's single family mortgage insurance programs. Also upon codification, the current regulations in 24 CFR part 203 governing the assignment of mortgages to HUD and related claim procedures will be amended to reflect the new requirements for assignments made pursuant to the ACD program. The proposed rule would also revise 24 CFR part 291, which governs the disposition of HUD-acquired single family property, to incorporate the policies and procedures for the sale of loans assigned to HUD under the ACD program. The ACD program regulations would provide for the ACD payment of claims. An objective of the ACD Program will be to maximize the return to the FHA insurance fund. One way to maximize returns to FHA is to minimize the time an asset is held.

Possible components of the ACD program would be as follows:

1. *Mandatory and voluntary components.* HUD is considering establishing two program components: (1) A mandatory component under which mortgagees that elect to file claims on certain defaulted mortgages (such as vacant homes) would be required to submit the mortgages for assignment and payment of a claim pursuant to the ACD program; and (2) a voluntary component under which eligible mortgagees would be permitted to submit other types of defaulted mortgages that meet specified eligibility criteria, pursuant to the ACD program, for assignment and payment of a claim.

2. *Disposition alternatives.* To date, sales awarded based on competitive bids under the ACD Demonstration program have been conducted using joint ventures as the vehicle for disposing of defaulted assets. The proposed rule would build upon the experience of the ACD Demonstration program by granting HUD the flexibility to choose from a variety of disposition alternatives, including the joint ventures. In addition to joint ventures, another possible disposition method would be whole loan or bulk sales

involving the disposal of a portfolio of assets to the highest bidder. Another possible option would be the packaging of loans into securities that are then sold to investors. Flexibility in the choice of disposition alternatives would increase HUD's ability to respond to changes in both the economy and the financial real estate market.

3. *Asset management alternatives.*

The proposed rule would also describe the asset management ("servicing") requirements applicable to loans assigned under the ACD program. HUD is considering several asset management alternatives for inclusion in the proposed rule. For example, the current FHA servicer may be required to continue servicing the loan on a fee basis until notice by HUD to transfer the loan to the servicer's designee. Another alternative would be for HUD to transfer the servicing of the loan to a servicer who would be responsible for servicing, foreclosing, and selling the assets. Based on the public comments received on this notice, the proposed rule might provide for one or more asset management alternatives, including those outlined above.

III. Public Comments

HUD is requesting interested members of the public, particularly those who participated in the ACD Demonstration program, to submit comments on the ACD Program and, specifically, on the main program components identified in Section II of this notice and the following issues and questions. In proposing procedural or program

recommendations for disposition or asset management alternatives and claim payment, HUD asks commenters to address:

(1) Methods and/or criteria that would assist in identifying loans with high probability of foreclosure and conveyance;

(2) Asset eligibility criteria ("criteria") that should be considered for the proposed voluntary or mandatory components of the ACD program;

(3) Any procedural and staffing efficiencies that may be anticipated from implementation of such criteria;

(4) Selection of a control group of non-ACD loans for evaluation purposes;

(5) Measures that may assist in assessing the effectiveness of the disposition process; and

(6) Criteria that may be useful to HUD in determining the advantages and disadvantages of claim submission, including timing or reversal of termination of FHA insurance, acquisition, and disposition of loans and properties.

Public comments received in response to this notice will be used to develop a proposed rule that will commence the rulemaking process to codify the ACD program. HUD may also seek additional feedback from those entities that participated or have been impacted by the Demonstration program.

To assist the public, HUD wishes to share the preliminary evaluation that has been performed on the Demonstration program. This evaluation can be obtained by contacting the contact person listed in this notice, or

by visiting <http://www.hud.gov/offices/hsg/hsgroom.cfm>.

IV. Executive Order 12866, Regulatory Planning and Review

The Office of Management and Budget (OMB) reviewed this advance notice of proposed rulemaking under Executive Order 12866 (entitled "Regulatory Planning and Review"). OMB determined that this notice is a "significant regulatory action," as defined in section 3(f) of the Order (although not economically significant, as provided in section 3(f)(1) of the Order). The docket file is available for public inspection between the hours of 8 a.m. and 5 p.m. in the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 10276, Washington, DC 20410-0500. Due to security measures at the HUD Headquarters building, please schedule an appointment to review the docket file by calling the Regulations Division at (202) 708-3055 (this is not a toll-free number). Persons with hearing or speech challenges may access the above telephone number via TTY (text telephone) by calling the Federal Relay Service at 1-800-877-8339 (this is a toll free number).

Dated: May 23, 2006.

Brian D. Montgomery,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. E6-8637 Filed 6-2-06; 8:45 am]

BILLING CODE 4210-67-P



Federal Register

**Monday,
June 5, 2006**

Part IV

Department of Education

34 CFR Part 304

**Service Obligations Under Special
Education; Preparation of Leadership
Personnel; Combined Priority for
Personnel Preparation; Interdisciplinary
Training in Analysis of Large-Scale
Databases; Final Rule and Notices**

DEPARTMENT OF EDUCATION**34 CFR Part 304****RIN 1820-AB58****Service Obligations Under Special Education—Personnel Development to Improve Services and Results for Children With Disabilities**

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary issues final regulations governing specific provisions of the Personnel Development to Improve Services and Results for Children with Disabilities program authorized under part D of the Individuals with Disabilities Education Act, as amended (IDEA or Act). The regulations are needed to implement changes made to IDEA, as amended by the Individuals with Disabilities Education Improvement Act of 2004.

DATES: These regulations are effective July 5, 2006.

FOR FURTHER INFORMATION CONTACT:

Louis C. Danielson, U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center Plaza, room 4160, Washington, DC 20202-2641. Telephone: (202) 245-7371.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay System (FRS) at 1-800-877-8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotope, or computer diskette) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

SUPPLEMENTARY INFORMATION: These regulations implement specific provisions of part D of the IDEA. On June 21, 2005, we published a notice of proposed rulemaking (NPRM) in the *Federal Register* (70 FR 35782) (NPRM) to amend the regulations governing the Assistance to States for the Education of Children with Disabilities Program; Preschool Grants for Children with Disabilities Program; and Service Obligations under Special Education—Personnel Development to Improve Services and Results for Children with Disabilities. The proposed regulations for Service Obligations under Special Education—Personnel Development to Improve Services and Results for Children with Disabilities in 34 CFR part 304 are described on pages 35817 through 35818 of the preamble to the NPRM. The text of the proposed

regulations can be found on pages 35890 through 35892 of the NPRM.

In the preamble to the NPRM, the Secretary discussed the major changes proposed in that document to implement the provisions of the Service Obligations under Special Education—Personnel Development to Improve Services and Results for Children with Disabilities program, as specified in section 662(h) of the Act. These included the following:

- Clarifying in §§ 304.21 and 304.22 that stipends are not included in the cost of attendance and are not limited by the cap in § 304.22(b).
- Clarifying in § 304.30 that the Secretary is responsible for ensuring that scholars comply with the service obligation requirements.
- Describing in one section—§ 304.30—all of the requirements a scholar must meet.

As more fully explained in the *Analysis of Comments and Changes* section of this notice, these final regulations for part 304 contain several changes from the regulations proposed in the NPRM.

Major Changes in the Regulations

The following is a summary of the major substantive changes in these final regulations from the regulations proposed in the NPRM:

1. Eligible employment options for scholars have been expanded (§ 304.30(e)(3)).
2. The number of additional years allowed to fulfill a scholar's service obligation has been increased from three to five years (§ 304.30(f)(1)).

Analysis of Comments and Changes

In response to the Secretary's invitation in the NPRM, five parties submitted comments on the proposed regulations for the Service Obligations Under Special Education—Personnel Development to Improve Services and Results for Children with Disabilities (Personnel Development Program). An analysis of the comments and of the changes in the regulations since publication of the NPRM follows. We discuss substantive issues under the section to which they pertain. References to sections in this analysis are to those contained in the final regulations. The analysis generally does not address minor changes, including technical changes made to the language published in the NPRM, suggested changes the Secretary is not legally authorized to make under applicable statutory authority, or comments that express concerns of a general nature about the Department or other matters

that are not directly relevant to these regulations.

Assurances that Must be Provided by Grantee (§ 304.23)

Comment: None.

Discussion: Upon further review, the Department has determined that, at the time of exit from the program, the grantee should provide the scholar with a list containing all of the scholar's obligations under § 304.30, and the scholar should certify that this list of obligations is correct. We believe that this requirement should be added because it clarifies that the grantees, which have the best access to this information, are responsible for sharing this information with the scholars.

Change: We have deleted the requirement contained in § 304.23(c) that the grantee must "establish policies and procedures for receiving and maintaining records of written certification from scholars." We have modified § 304.23(c) by adding new §§ 304.23(c)(1) and (2), which require the grantee to provide information to the scholar and specify that, upon receipt of this information, the scholar must provide written certification to the grantee that this information is correct.

Requirements for Scholar (§ 304.30(e))

Comment: A few commenters stated that the "majority of children" and the "majority of time" requirements in § 304.30(e)(1) and (2) cause hardship for some scholars. The commenters stated that scholars who provide direct services in early intervention and adaptive physical education are most impacted by these requirements because early intervention and adaptive physical education positions involve working primarily, or exclusively, in settings in which scholars provide educational services, but not necessarily special education services, to students with the full range of abilities and disabilities in a general education setting. The commenters recommended eliminating the current "majority of children" and the "majority of time" requirements in § 304.30(e)(1) and (2) and instead requiring only that scholars "provide special education and related services to children with disabilities * * *" consistent with section 662(h)(1) of the Act.

Discussion: The Department supports the provision of special education and related services and early intervention services in settings with nondisabled children. However, the Department believes that the limited funds available for the Personnel Development Program should be targeted to support and train scholars who, following completion of

training, will be employed in positions (other than supervisory, postsecondary faculty, research, policy, technical assistance, program development, or administration) that meet the "majority of time" or the "majority of children" requirements in § 304.30(e)(1) and (2) to ensure that the need for qualified special education personnel can be met. The Department believes that these majority requirements are necessary to ensure that there are sufficient numbers of qualified personnel to provide the most effective special education, related services, and early intervention services to infants, toddlers, and children with disabilities.

Changes: None.

Comment: None.

Discussion: Upon internal review, the Department has determined that it would be helpful to define more precisely the term "majority," as it is used in § 304.30(e).

Changes: We have modified the language in § 304.30(e) to substitute the term "51 percent" for the term "majority" throughout this section.

Comment: A few commenters stated that the range of employment options to satisfy the service obligation requirements in § 304.30(e)(3) through (5) is too restrictive and should be expanded. The commenters stated that scholars should be allowed to satisfy their service obligation through work in other areas, such as policy, administration, professional development, technical assistance, and program development related to special education, related services, and early intervention services.

Discussion: The Department agrees that there may be situations in which an individual can fulfill his or her service obligation in a position that is not described in § 304.30(e), including positions involving policy, technical assistance, program development, or administration, when the individual spends at least 51 percent of his or her time performing work related to the training for which a scholarship was received.

Changes: We have deleted § 304.30(e)(4) and (5), and modified the language in § 304.30(e)(3) to clarify that, in addition to positions involving supervision, teaching at the postsecondary level, and research, a scholar may fulfill the scholar's service obligation in a position involving policy, technical assistance, program development, or administration when the scholar spends at least 51 percent of his or her time performing work related to the training for which a scholarship was received under section 662 of the Act.

Comment: A few commenters stated that recent Federal education policy, as articulated in the No Child Left Behind Act of 2001 and the 2004 reauthorization of IDEA, focuses on addressing the needs and performance of children with disabilities within programs, policies, and procedures of the general education system. The commenters recommended that the Department expand the eligible employment options to include, under limited circumstances, employment that addresses the needs of children with disabilities within the broader context of prevention and intervention initiatives in the general education system that are designed to accommodate the needs of a wide range of children.

Discussion: The purpose of providing scholarships under the Personnel Development Program is to ensure that there are sufficient numbers of qualified personnel to provide special education, related services, and early intervention services to infants, toddlers, and children with disabilities. While scholarships under this program may be used to provide support for training and professional development on topics leading to the identification of children with disabilities (e.g., progress monitoring and response to intervention), we do not believe scholars should be permitted to satisfy their service obligation in positions that focus primarily on nondisabled students or nondisabled students who may be at risk of having a disability.

Changes: None.

Time Period (§ 304.30(f))

Comment: A few commenters suggested changing the length of the service obligation in § 304.30(f)(1) so that scholars who are unable to satisfy the "majority of children" or the "majority of time" requirement in any single year would either automatically be subject to one extra year of service, or, upon request, receive a deferral of up to two years.

Discussion: Section 304.30(f)(1) requires scholars to complete at least two years of service obligation for every academic year for which assistance was received and to complete their service obligation in not more than the sum of the number of years required plus three additional years. The Department recognizes that some employment circumstances may make it difficult for scholars to fulfill their service obligation, as defined in § 304.30(e), within this time period. While implementing the commenters' recommendations would be too complex and burdensome to administer

and monitor, we believe it would be appropriate to expand the number of years that scholars will have to fulfill their service obligation.

Changes: We have revised § 304.30(f)(1) to allow all scholars five, instead of three, additional years to fulfill their service obligation.

Comment: A few commenters expressed concern that, when scholars who are qualified service providers before they enter an academic program (e.g., teachers returning to school for a masters degree) do not complete one academic year of study because of personal or professional reasons, they must repay their scholarship. The commenters stated that these scholars, who are already qualified to provide special education, related services, or early intervention services to children with disabilities, should be permitted to satisfy their obligation through service, rather than repaying the cost of the scholarship, even though they have not accumulated one year of academic credit, as required in § 304.30(f)(2).

Discussion: The Department believes that scholars are unlikely to make substantial gains in their knowledge and skills in less than one year such that they would be able to provide improved special education, related services, or early intervention services to infants, toddlers, and children with disabilities.

Changes: None.

Executive Order 12866

These final regulations have been reviewed by the Office of Management and Budget (OMB) as a significant regulatory action in accordance with Executive Order 12866. Under the terms of the order we have assessed the potential costs and benefits of this regulatory action.

The potential costs associated with the final regulations are those resulting from statutory requirements and those we have determined to be necessary for administering this program effectively and efficiently.

In assessing the potential costs and benefits of these final regulations, we have determined that the benefits of the regulations justify the costs.

Summary of Potential Costs and Benefits

Service Obligation Tracking Burden

The statutory change incorporated in these final regulations, which shifts the burden for ensuring that scholars comply with their service obligation from grantees to the Secretary, was not specifically addressed in the *Summary of potential costs and benefits section* contained in the NPRM because this

change does not impose any additional burden on grantees, and will not result in any significant additional costs or benefits.

We include additional discussion of potential costs and benefits in the section of this preamble titled *Analysis of Comment and Changes*.

Paperwork Reduction Act of 1995

The Paperwork Reduction Act of 1995 does not require you to respond to a collection of information unless it displays a valid OMB control number. The collection of information in these final regulations has been approved by OMB under OMB control number 1820-0622. We also display this OMB control number in these final regulations at the end of the affected sections of the regulations.

The clarification of the written certification requirement from the scholar in § 304.23(c)(2) was not discussed in the NPRM but has been added to the final regulations. This imposes a new information collection requirement, however, it does not fall under the Paperwork Reduction Act's definition of "information" as explained in 5 CFR 1320.3(h).

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal Financial assistance.

In accordance with the order, we intend this document to provide early notification of the Department's specific plans and actions for this program.

Assessment of Educational Impact

In the NPRM we requested comments on whether the proposed regulations would require transmission of information that any other agency or authority of the United States gathers or makes available.

Based on the response to the NPRM and on our review, we have determined that these final regulations do not require transmission of information that any other agency or authority of the United States gathers or makes available.

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Document Format (PDF) on the Internet at the following site: <http://www.ed.gov/news/fedregister>.

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1-888-293-6498; or in the Washington, DC area at (202) 512-1530.

Note: The official version of the document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: <http://www.gpoaccess.gov/nara/index.html>.

(Catalog of Federal Domestic Assistance Number 84.325 Personnel Development to Improve Services and Results for Children with Disabilities).

List of Subjects in 34 CFR Part 304

Service obligations under special education—personnel development to improve services and results for children with disabilities.

Dated: May 26, 2006.

John H. Hager,

Assistant Secretary for Special Education and Rehabilitative Services.

■ For the reasons set forth above, the Department revises 34 CFR part 304 to read as follows:

PART 304—SERVICE OBLIGATIONS UNDER SPECIAL EDUCATION—PERSONNEL DEVELOPMENT TO IMPROVE SERVICES AND RESULTS FOR CHILDREN WITH DISABILITIES

Subpart A—General

Sec.

304.1 Purpose.

304.3 Definitions.

Subpart B—Conditions That Must Be Met by Grantee

304.21 Allowable costs.

304.22 Requirements for grantees in disbursing scholarships.

304.23 Assurances that must be provided by grantee.

Subpart C—Conditions That Must Be Met by Scholar

304.30 Requirements for scholar.

304.31 Requirements for obtaining an exception or deferral to performance or repayment under an agreement.

Authority: 20 U.S.C. 1462(h), unless otherwise noted.

Subpart A—General

§ 304.1 Purpose.

Individuals who receive scholarship assistance from projects funded under the Special Education—Personnel Development to Improve Services and

Results for Children with Disabilities program are required to complete a service obligation, or repay all or part of the costs of such assistance, in accordance with section 662(h) of the Act and the regulations of this part.

(Authority: 20 U.S.C. 1462(h))

§ 304.3 Definitions.

The following definitions apply to this program:

(a) *Academic year* means—

(1) A full-time course of study—

(i) Taken for a period totaling at least nine months; or

(ii) Taken for the equivalent of at least two semesters, two trimesters, or three quarters; or

(2) For a part-time scholar, the accumulation of periods of part-time courses of study that is equivalent to an "academic year" under paragraph (a)(1) of this definition.

(b) *Act* means the Individuals with Disabilities Education Act, as amended, 20 U.S.C. 1400 *et seq.*

(c) *Early intervention services* means early intervention services as defined in section 632(4) of the Act and includes early intervention services to infants and toddlers with disabilities, and as applicable, to infants and toddlers at risk for disabilities under sections 632(1) and 632(5)(b) of the Act.

(d) *Full-time*, for purposes of determining whether an individual is employed full-time in accordance with § 304.30 means a full-time position as defined by the individual's employer or by the agencies served by the individual.

(e) *Related services* means related services as defined in section 602(26) of the Act.

(f) *Repayment* means monetary reimbursement of scholarship assistance in lieu of completion of a service obligation.

(g) *Scholar* means an individual who is pursuing a degree, license, endorsement, or certification related to special education, related services, or early intervention services and who receives scholarship assistance under section 662 of the Act.

(h) *Scholarship* means financial assistance to a scholar for training under the program and includes all disbursements or credits for tuition, fees, stipends, books, and travel in conjunction with training assignments.

(i) *Service obligation* means a scholar's employment obligation, as described in section 662(h) of the Act and § 304.30.

(j) *Special education* means special education as defined in section 602(29) of the Act.

(Authority: 20 U.S.C. 1462(h))

Subpart B—Conditions That Must Be Met by Grantee**§ 304.21 Allowable costs.**

In addition to the allowable costs established in the Education Department General Administrative Regulations in 34 CFR 75.530 through 75.562, the following items are allowable expenditures by projects funded under the program:

(a) Cost of attendance, as defined in Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. 1087II (HEA), including the following:

- (1) Tuition and fees.
- (2) An allowance for books, supplies, transportation, and miscellaneous personal expenses.
- (3) An allowance for room and board.
- (b) Stipends.
- (c) Travel in conjunction with training assignments.

(Authority: 20 U.S.C. 1462(h))

§ 304.22 Requirements for grantees in disbursing scholarships.

Before disbursement of scholarship assistance to an individual, a grantee must—

- (a) Ensure that the scholar—
 - (1) Is a citizen or national of the United States;
 - (2) Is a permanent resident of—
 - (i) Puerto Rico, the United States Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands; or
 - (ii) The Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau during the period in which these entities are eligible to receive an award under the Personnel Development to Improve Services and Results for Children with Disabilities program; or
 - (3) Provides evidence from the U.S. Department of Homeland Security that the individual is—
 - (i) A lawful permanent resident of the United States; or
 - (ii) In the United States for other than a temporary purpose with the intention of becoming a citizen or permanent resident;
- (b) Limit the cost of attendance portion of the scholarship assistance (as discussed in § 304.21(a)) to the amount by which the individual's cost of attendance at the institution exceeds the amount of grant assistance the scholar is to receive for the same academic year under title IV of the HEA; and
- (c) Obtain a Certification of Eligibility for Federal Assistance from each scholar, as prescribed in 34 CFR 75.60, 75.61, and 75.62.

(Authority: 20 U.S.C. 1462(h))

§ 304.23 Assurances that must be provided by grantee.

Before receiving an award, a grantee that intends to grant scholarships under the program must include in its application an assurance that the following requirements will be satisfied:

(a) *Requirement for agreement.* Prior to granting a scholarship, the grantee will require each scholar to enter into a written agreement in which the scholar agrees to the terms and conditions set forth in § 304.30. This agreement must explain the Secretary's authority to grant deferrals and exceptions to the service obligation pursuant to § 304.31 and include the current Department address for purposes of the scholar's compliance with § 304.30(i), or any other purpose under this part.

(b) *Standards for satisfactory progress.* The grantee must establish, notify scholars of, and apply reasonable standards for measuring whether a scholar is maintaining satisfactory progress in the scholar's course of study.

(c) *Exit certification.*

(1) At the time of exit from the program, the grantee must provide the following information to the scholar:

- (i) The number of years the scholar needs to work to satisfy the work requirements in § 304.30(d);
- (ii) The total amount of scholarship assistance received subject to § 304.30;
- (iii) The time period, consistent with § 304.30(f)(1), during which the scholar must satisfy the work requirements; and
- (iv) As applicable, all other obligations of the scholar under § 304.30.

(2) Upon receipt of this information from the grantee, the scholar must provide written certification to the grantee that the information is correct.

(d) *Information.* The grantee must forward the information and written certification required in paragraph (c) of this section to the Secretary, as well as any other information that is necessary to carry out the Secretary's functions under section 662 of the Act and this part.

(e) *Notification to the Secretary.* If the grantee is aware that the scholar has chosen not to fulfill or will be unable to fulfill the obligation under § 304.30(d), the grantee must notify the Secretary when the scholar exits the program.

(Approved by the Office of Management and Budget under control number 1820-0622)

(Authority: 20 U.S.C. 1462(h))

Subpart C—Conditions That Must Be Met by Scholar**§ 304.30 Requirements for scholar.**

Individuals who receive scholarship assistance from grantees funded under section 662 of the Act must—

(a) *Training.* Receive the training at the educational institution or agency designated in the scholarship;

(b) *Educational allowances.* Not accept payment of educational allowances from any other entity if that allowance conflicts with the scholar's obligation under section 662 of the Act and this part;

(c) *Satisfactory progress.* Maintain satisfactory progress toward the degree, certificate, endorsement, or license as determined by the grantee;

(d) *Service obligation.* Upon exiting the training program under paragraph (a) of this section, subsequently maintain employment—

- (1) On a full-time or full-time equivalent basis; and
- (2) For a period of at least two years for every academic year for which assistance was received;

(e) *Eligible employment.* In order to meet the requirements of paragraph (d) of this section for any project funded under section 662 of the Act, be employed in a position in which—

- (1) At least 51 percent of the infants, toddlers, and children to whom the individual provides services are receiving special education, related services, or early intervention services from the individual;
- (2) The individual spends at least 51 percent of his or her time providing special education, related services, or early intervention services to infants, toddlers, and children with disabilities; or

(3) If the position involves supervision (including in the capacity of a principal), teaching at the postsecondary level, research, policy, technical assistance, program development, or administration, the individual spends at least 51 percent of his or her time performing work related to the training for which a scholarship was received under section 662 of the Act.

(f) *Time period.* Meet the service obligation under paragraph (d) of this section as follows:

- (1) A scholar must complete the service obligation within the period ending not more than the sum of the number of years required in paragraph (d)(2) of this section, as appropriate, plus five additional years, from the date the scholar completes the training for which the scholarship assistance was awarded.

(2) A scholar may begin eligible employment subsequent to the completion of one academic year of the training for which the scholarship assistance was received that otherwise meets the requirements of paragraph (1);

(g) *Part-time scholars.* If the scholar is pursuing coursework on a part-time basis, meet the service obligation in this section based on the accumulated academic years of training for which the scholarship is received;

(h) *Information upon exit.* Provide the grantee all requested information necessary for the grantee to meet the exit certification requirements under § 304.23(c);

(i) *Information after exit.* Within 60 days after exiting the program, and as necessary thereafter for any changes, provide the Department, via U.S. mail, all information that the Secretary needs to monitor the scholar's service obligation under this section, including social security number, address, employment setting, and employment status;

(j) *Repayment.* If not fulfilling the requirements in this section, subject to the provisions in § 304.31 regarding an exception or deferral, repay any scholarship received, plus interest, in an amount proportional to the service obligation not completed as follows:

(1) The Secretary charges the scholar interest on the unpaid balance owed in accordance with the Debt Collection Act of 1982, as amended, 31 U.S.C. 3717.

(2)(i) Interest on the unpaid balance accrues from the date the scholar is

determined to have entered repayment status under paragraph (4) of this section.

(ii) Any accrued interest is capitalized at the time the scholar's repayment schedule is established.

(iii) No interest is charged for the period of time during which repayment has been deferred under § 304.31.

(3) Under the authority of the Debt Collection Act of 1982, as amended, the Secretary may impose reasonable collection costs.

(4) A scholar enters repayment status on the first day of the first calendar month after the earliest of the following dates, as applicable:

(i) The date the scholar informs the grantee or the Secretary that the scholar does not plan to fulfill the service obligation under the agreement.

(ii) Any date when the scholar's failure to begin or maintain employment makes it impossible for that individual to complete the service obligation within the number of years required in § 304.30(f).

(iii) Any date on which the scholar discontinues enrollment in the course of study under § 304.30(a).

(5) The scholar must make payments to the Secretary that cover principal, interest, and collection costs according to a schedule established by the Secretary.

(6) Any amount of the scholarship that has not been repaid pursuant to paragraphs (j)(1) through (j)(5) of this section will constitute a debt owed to the United States that may be collected

by the Secretary in accordance with 34 CFR part 30.

(Approved by the Office of Management and Budget under control number 1820-0622)

(Authority: 20 U.S.C. 1462(h))

§ 304.31 Requirements for obtaining an exception or deferral to performance or repayment under an agreement.

(a) Based upon sufficient evidence to substantiate the grounds, the Secretary may grant an exception to the repayment requirement in § 304.30(j), in whole or part, if the scholar—

(1) Is unable to continue the course of study in § 304.30 or perform the service obligation because of a permanent disability; or

(2) Has died.

(b) Based upon sufficient evidence to substantiate the grounds, the Secretary may grant a deferral of the repayment requirement in § 304.30(j) during the time the scholar—

(1) Is engaging in a full-time course of study at an institution of higher education;

(2) Is serving on active duty as a member of the armed services of the United States;

(3) Is serving as a volunteer under the Peace Corps Act; or

(4) Is serving as a full-time volunteer under title I of the Domestic Volunteer Service Act of 1973.

(Authority: 20 U.S.C. 1462(h))

[FR Doc. 06-5111 Filed 6-2-06; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION**Office of Special Education and Rehabilitative Services; Overview Information; Personnel Development To Improve Services and Results for Children With Disabilities—Preparation of Leadership Personnel; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2006**

Catalog of Federal Domestic Assistance (CFDA) Number: 84.325D.

DATES: *Applications Available:* June 5, 2006.

Deadline for Transmittal of Applications: July 5, 2006.

Deadline for Intergovernmental Review: September 5, 2006.

Eligible Applicants: Institutions of higher education.

Estimated Available Funds: \$4,800,000.

Estimated Range of Awards: \$171,969–\$200,000.

Estimated Average Size of Awards: \$196,200.

Maximum Award: We will reject any application that proposes a budget exceeding \$200,000 for a single budget period of 12 months. The Assistant Secretary for Special Education and Rehabilitative Services may change the maximum amount through a notice published in the **Federal Register**.

Estimated Number of Awards: 24.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 48 months.

Full Text of Announcement**I. Funding Opportunity Description**

Purpose of Program: The purposes of this program are to (1) help address State-identified needs for highly qualified personnel—in special education, related services, early intervention, and regular education—to work with infants or toddlers with disabilities, or children with disabilities; and (2) ensure that those personnel have the skills and knowledge—derived from practices that have been determined through research and experience to be successful—that are needed to serve those children.

Priority: In accordance with 34 CFR 75.105(b)(2)(v), this priority is from allowable activities specified in the statute (see sections 662(d) and 681(d) of the Individuals with Disabilities Education Act (IDEA)).

Absolute Priority: For FY 2006 this priority is an absolute priority. Under 34 CFR 75.105(c)(3) we consider only applications that meet this priority.

This priority is: *Preparation of Leadership Personnel*.

This priority supports and is limited to projects that train personnel at the preservice doctoral or post-doctoral level in early intervention, special education or related services and at the advanced graduate level (masters and specialists) in special education administration/supervision. In order to be eligible under this priority, programs must provide training and support for scholars to complete their training, within the performance period of the grant.

Therefore, only the following types of programs of study will meet the requirements of the priority:

1. A major in special education, related services or early intervention at the doctoral or post-doctoral level; and
2. Training at the advanced graduate level (masters and specialists programs) in special education administration/supervision.

Note: Training that leads to a Doctor of Audiology (D Aud) degree is not included as part of this priority.

Projects funded under this absolute priority must—

- (a) Demonstrate in the narrative section of the application under “Quality of Project Services” how—

- (1) The program prepares personnel to address the specialized needs of children with disabilities from diverse cultural and language backgrounds by—

- (i) Identifying the competencies needed by leadership personnel to understand and work with culturally and linguistically diverse populations (the competencies identified should reflect the current knowledge base); and
- (ii) Infusing those competencies into early intervention, special education, and related services training programs.

- (2) All relevant coursework for the proposed program reflects current research and pedagogy on—

- (i) Participation and achievement in the general education curriculum and improved outcomes for children with disabilities; and
- (ii) The provision of coordinated services in natural environments to improve outcomes for infants and toddlers with disabilities and their families.

- (3) The program offers integrated training and practice opportunities that will enhance the collaborative skills of all personnel who share responsibility for providing effective services for children with disabilities.

- (4) For programs that train personnel in early intervention, special education or related services, the program ensures that scholars are knowledgeable about:
 - (i) The provisions of the No Child Left Behind Act of 2001 (NCLB) that relate

to students with disabilities; (ii) the IDEA and NCLB requirement that teachers be highly qualified; and (iii) the need to foster collaboration between regular and special education teachers.

(5) The proposed training program is aligned with State learning standards for children, if appropriate;

(b) Submit annual data on each scholar who receives grant support. Projects funded under this priority must submit this scholar data electronically within 60 days after the end of each grant budget year. Applicants are encouraged to visit the Personnel Prep Data (PPD) Web site at <http://www.osepppd.org> for further information. This data collection is in addition to and does not supplant the annual grant performance report required of each grantee for continuation funding (see 34 CFR 75.590);

(c) Budget for a three-day Project Director’s meeting in Washington, DC, during each year of the project;

(d) If the project maintains a Web site, include relevant information and documents in a format that meets a government or industry-recognized standard for accessibility;

(e) Provide a detailed description of the program, including the sequence of the courses offered in the program that describe the comprehensive curriculum designed to meet program goals and obtain mastery of the following required professional domains—

- (1) Research methodology;
- (2) Personnel preparation;
- (3) Policy/advocacy or professional practice.

(f) Include in the application narrative under “Quality of Project Evaluation,” a clear, effective plan for evaluating the extent to which graduates of the training program have the knowledge and skills necessary to provide research-based instruction and services that result in improved outcomes for children with disabilities;

(g) Communicate student evaluation results to the Office of Special Education Programs (OSEP) in required annual performance reports for continuation funding and the project final performance report;

(h) Certify that all scholars will be recruited into the program with the intention of graduating from the program during the program performance period;

(i) Certify that the institution will not require scholars recruited into the program to work as a condition of receiving a scholarship, e.g., as graduate assistants, unless the work is required to complete their training program;

(j) If the program is addressing national or regional needs, demonstrate the existence of the needs through appropriate research data; and

(k) Designate at least 65 percent of the total requested budget for scholarship support or provide justification for any designation less than 65 percent. Examples of sufficient justification for proposing less than 65 percent of the budget for scholarship support might include:

- A project servicing rural areas that provides long distance training, and that may require Web Masters, adjunct professors, or mentors to operate effectively.
- A project that is expanding or adding a new emphasis area to the program, and as a result of this expansion, may need additional faculty or other resources such as expert consultants, additional training supplies, or equipment that would enhance the program.

Please note, projects that are funded to develop, expand, or add a new area of emphasis to special education or related services programs must provide information on how these new areas will be sustained once Federal funding ends.

Statutory Requirements: To be considered for an award, an applicant must also satisfy the following requirements contained in section 662(e) through (h) of the IDEA—

(a) Demonstrate that the activities described in the application will address needs identified by the State or States the applicant proposes to serve and that the State or States intend to accept successful completion of the proposed personnel preparation program as meeting State personnel standards or other requirements in State law or regulation for serving children with disabilities or serving infants and toddlers with disabilities (see sections 662(e)(2)(A) and 662(f)(2) of IDEA). Letters from the State or States that the project proposes to serve could be one method for addressing this requirement;

(b) Demonstrate that the applicant and one or more State educational agencies—or, if appropriate, State appointed lead agencies responsible for providing early intervention services—or local educational agencies will cooperate in carrying out and monitoring the proposed project (see section 662(e)(2)(B) of IDEA);

(c) Meet State and professionally recognized standards for the preparation of leadership personnel in special education, related services, or early intervention fields (see section 662(f)(2) of IDEA); and

(d) Provide an assurance that the applicant will ensure that individuals who receive financial assistance under the proposed project agree to subsequently work in the appropriate field, for a period of 2 years for every year for which the scholarship was received, or repay all or part of the amount of the scholarship, in accordance with section 662(h)(1) of IDEA and 34 CFR part 304. Applicants must describe how they will inform scholarship recipients of this service obligation requirement.

Waiver of Proposed Rulemaking: Under the Administrative Procedure Act (APA) (5 U.S.C. 553) the Department generally offers interested parties the opportunity to comment on proposed priorities and requirements. Section 681(d) of the IDEA makes the public comment requirements of the APA inapplicable to the priority in this notice.

Program Authority: 20 U.S.C. 1462 and 1481.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 84, 85, 86, 97, 98, 99; and 34 CFR part 304.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds:

\$4,800,000.

Estimated Range of Awards:

\$171,969–\$200,000.

Estimated Average Size of Awards:

\$196,200.

Maximum Award: We will reject any application that proposes a budget exceeding \$200,000 for a single budget period of 12 months. The Assistant Secretary for Special Education and Rehabilitative Services may change the maximum amount through a notice published in the **Federal Register**.

Estimated Number of Awards: 24.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 48 months.

III. Eligibility Information

1. **Eligible Applicants:** Institutions of higher education.

2. **Cost Sharing or Matching:** This program does not involve cost sharing or matching.

3. **Other: General Requirements—**(a) The projects funded under this competition must make positive efforts to employ and advance in employment qualified individuals with disabilities (see section 606 of IDEA).

(b) Applicants and grant recipients funded under this competition must

involve individuals with disabilities or parents of individuals with disabilities ages birth through 26 in planning, implementing, and evaluating the projects (see section 682(a)(1)(A) of IDEA).

IV. Application and Submission Information

1. **Address to Request Application Package:** Education Publications Center (ED Pubs), P.O. Box 1398, Jessup, MD 20794–1398. Telephone (toll free): 1–877–433–7827. FAX: (301) 470–1244. If you use a telecommunications device for the deaf (TDD), you may call (toll free): 1–877–576–7734.

You may also contact ED Pubs at its Web site: <http://www.ed.gov/pubs/edpubs.html> or you may contact ED Pubs at its e-mail address: edpubs@inet.ed.gov.

If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA Number 84.325D.

Individuals with disabilities may obtain a copy of the application package in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) by contacting the Grants and Contracts Services Team listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

2. **Content and Form of Application Submission:** Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition. Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit Part III to the equivalent of no more than 50 pages, using the following standards:

- A “page” is 8.5” x 11”, on one side only, with 1” margins at the top, bottom, and both sides.

- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.

- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).

The page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, the references, or the letters of support. However, you must include all of the application narrative in Part III.

We will reject your application if—

- You apply these standards and exceed the page limit; or
- You apply other standards and exceed the equivalent of the page limit.

3. *Submission Dates and Times:*

Applications Available: June 5, 2006.
Deadline for Transmittal of Applications: July 5, 2006.

Applications for grants under this competition may be submitted electronically using the Grants.gov Apply site (Grants.gov), or in paper format by mail or hand delivery. For information (including dates and times) about how to submit your application electronically, or by mail or hand delivery, please refer to section IV. 6. *Other Submission Requirements* in this notice.

We do not consider an application that does not comply with the deadline requirements.

Deadline for Intergovernmental Review: September 5, 2006.

4. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Other Submission Requirements:* Applications for grants under this competition may be submitted electronically or in paper format by mail or hand delivery.

a. Electronic Submission of Applications

We have been accepting applications electronically through the Department's e-Application system since FY 2000. In order to expand on those efforts and comply with the President's Management Agenda, we are continuing to participate as a partner in the new government wide Grants.gov Apply site in FY 2006. Preparation of Leadership Personnel—CFDA Number 84.325D is one of the competitions included in this project. We request your participation in Grants.gov.

If you choose to submit your application electronically, you must use the Grants.gov Apply site at <http://www.Grants.gov>. Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not e-mail an electronic copy of a grant application to us.

You may access the electronic grant application for the Preparation of Leadership Personnel—CFDA Number 84.325D competition at: <http://www.grants.gov>. You must search for the downloadable application package for this program by the CFDA number. Do not include the CFDA number's alpha suffix in your search.

Please note the following:

- Your participation in Grants.gov is voluntary.
- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are time and date stamped. Your application must be fully uploaded and submitted, and must be date/time stamped by the Grants.gov system no later than 4:30 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not consider your application if it is date/time stamped by the Grants.gov system later than 4:30 p.m., Washington, DC time, on the application deadline date. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date/time stamped by the Grants.gov system after 4:30 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the application process through Grants.gov.
- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov at <http://e-Grants.ed.gov/help/GrantsgovSubmissionProcedures.pdf>.

- To submit your application via Grants.gov, you must complete all of the steps in the Grants.gov registration process (see <http://www.Grants.gov/GetStarted>). These steps include (1) registering your organization, (2) registering yourself as an Authorized Organization Representative (AOR), and (3) getting authorized as an AOR by your organization. Details on these steps are outlined in the Grants.gov 3-Step

Registration Guide (see <http://www.grants.gov/assets/GrantsgovCoBrandBrochure8X11.pdf>).

You also must provide on your application the same D-U-N-S Number used with this registration. Please note that the registration process may take five or more business days to complete, and you must have completed all registration steps to allow you to successfully submit an application via Grants.gov.

- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you submit your application in paper format.
- You may submit all documents electronically, including all information typically included on the Application for Federal Education Assistance (ED 424), Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.

If you choose to submit your application electronically, you must attach any narrative sections of your application as files in a .DOC (document), .RTF (rich text) or .PDF (Portable Document) format. If you upload a file type other than the three file types specified above or submit a password protected file, we will not review that material.

- Your electronic application must comply with any page limit requirements described in this notice.
- After you electronically submit your application, you will receive an automatic acknowledgment from Grants.gov that contains a Grants.gov tracking number. The Department will retrieve your application from Grants.gov and send you a second confirmation by e-mail that will include a PR/Award number (an ED-specified identifying number unique to your application).

- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of System Unavailability

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically, or by hand delivery. You also may mail your application by following the mailing instructions as described elsewhere in this notice. If you submit an application after 4:30 p.m., Washington, DC time, on the deadline date, please contact the person listed elsewhere in this notice

under **FOR FURTHER INFORMATION CONTACT**, and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number (if available). We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: Extensions referred to in this section apply only to the unavailability of or technical problems with the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

b. Submission of Paper Applications by Mail

If you submit your application in paper format by mail (through the U.S. Postal Service or a commercial carrier), you must mail the original and two copies of your application, on or before the application deadline date, to the Department at the applicable following address:

By mail through the U.S. Postal Service:

U.S. Department of Education,
Application Control Center,
Attention: (CFDA Number 84.325D),
400 Maryland Avenue, SW.,
Washington, DC 20202-4260, or

By mail through a commercial carrier:

U.S. Department of Education,
Application Control Center—Stop
4260, Attention: (CFDA Number
84.325D), 7100 Old Landover Road,
Landover, MD 20785-1506.

Regardless of which address you use, you must show proof of mailing consisting of one of the following:

- (1) A legibly dated U.S. Postal Service postmark,
- (2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service,
- (3) A dated shipping label, invoice, or receipt from a commercial carrier, or
- (4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

- (1) A private metered postmark, or
- (2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. Submission of Paper Applications by Hand Delivery

If you submit your application in paper format by hand delivery, you (or a courier service) must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.325D), 550 12th Street, SW., Room 7041, Potomac Center Plaza, Washington, DC 20202-4260.

The Application Control Center accepts hand deliveries daily between 8 a.m. and 4:30 p.m., Washington, DC time, except Saturdays, Sundays and Federal holidays. *Note for Mail or Hand Delivery of Paper Applications:* If you mail or hand deliver your application to the Department:

(1) You must indicate on the envelope and—if not provided by the Department—in Item 4 of ED 424 the CFDA number—and suffix letter, if any—of the competition under which you are submitting your application.

(2) The Application Control Center will mail a grant application receipt acknowledgment to you. If you do not receive the grant application receipt acknowledgment within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245-6288.

V. Application Review Information

Selection Criteria: The selection criteria for this competition are from 34 CFR 75.210 and are listed in the application package.

VI. Award Administration Information

1. Award Notices: If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN). We may also notify you informally.

If your application is not evaluated or not selected for funding, we notify you.

2. Administrative and National Policy Requirements: We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. Reporting: At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as specified by the Secretary in 34 CFR 75.118. In addition, to satisfy the requirements of the priority in this notice, you must submit annual data on each scholar who receives grant support through this program.

4. Performance Measures: Under the Government Performance and Results Act of 1993 (GPRA), the Department has established a set of performance measures that are designed to yield information on the effectiveness of the Personnel Preparation program. These measures include: (1) The extent to which projects incorporate scientifically- or evidence-based practices; (2) the extent to which scholars exit training programs prior to completion due to poor academic performance; (3) the extent to which degree/certification recipients are employed upon program completion in the area(s) for which they were trained; and (4) the extent to which degree/certification recipients are employed in the area(s) for which they were trained and are fully qualified under IDEA.

If funded, applicants will be required to collect and report data on grant-supported scholars through the PPD Web site at <http://www.oespppd.org> (see paragraph (b) under the Absolute Priority section of this notice).

Beyond the performance measures specifically described in this notice, the Department has also developed long-term measures that are designed to yield information on various aspects of program quality (e.g., the extent to which scholars trained under IDEA-funded training programs are knowledgeable and skilled in scientifically- or evidence-based practices for children with disabilities; and the extent to which program graduates maintain employment for three or more years in the area(s) for which they were trained). Grantees may be asked to participate in assessing and providing information on such long-term aspects of program quality.

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT:

Robert Gilmore Ph.D., U.S. Department of Education, 400 Maryland Avenue, SW., room 4083, Potomac Center Plaza, Washington, DC 20202-2600. Telephone: (202) 245-7354.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1-800-877-8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request by contacting the following office: The Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center Plaza, Washington, DC 20202-2550. Telephone: (202) 245-7363.

VIII. Other Information

Electronic Access to This Document: You may view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: <http://www.ed.gov/news/fedregister>.

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1-888-293-6498; or in the Washington, DC, area at (202) 512-1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: <http://www.gpoaccess.gov/nara/index.html>.

Dated: May 30, 2006.

John H. Hager,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 06-5110 Filed 6-2-06; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services; Overview Information; Personnel Development to Improve Services and Results for Children with Disabilities—Combined Priority for Personnel Preparation; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2006

Catalog of Federal Domestic Assistance (CFDA) Number: 84.325K.

Note: This notice includes one priority with five focus areas, and funding information for each focus area of the competition.

DATES: *Applications Available:* June 5, 2006.

Deadline for Transmittal of

Applications: July 5, 2006.

Deadline for Intergovernmental

Review: September 5, 2006.

Eligible Applicants: Institutions of higher education (IHEs).

Estimated Available Funds:

\$13,750,000. For funding information regarding each of the specific focus areas of the priority, see the chart in the Award Information section of this notice.

Estimated Range of Awards: See chart.

Estimated Average Size of Awards: See chart.

Maximum Awards: See chart.

Estimated Number of Awards: See chart.

Project Period: Up to 48 months.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purposes of this program are to (1) help address State-identified needs for highly qualified personnel—in special education, related services, early intervention, and regular education—to work with children with disabilities; and (2) ensure that those personnel have the skills and knowledge—derived from practices that have been determined through research and experience to be successful—that are needed to serve those children.

The Secretary is particularly interested in supporting high quality training programs that are preparing occupational therapists to provide services to infants, toddlers, children and youth who are served under IDEA.

Priority: In this competition, we are establishing one absolute priority (with five focus areas), a competitive preference priority within one of these five focus areas, and one separate competitive preference priority. In accordance with 34 CFR 75.105(b)(2)(v), these priorities are from allowable activities specified in the statute (see sections 662 and 681(d) of the Individuals with Disabilities Education Act (IDEA)).

Absolute Priority: For FY 2006 this priority is, except as otherwise specified, an absolute priority. Under 34 CFR 75.105(c)(3) we consider only applications that meet this priority.

This priority is: *Combined Priority for Personnel Preparation.*

Background: State agencies, university training programs, local

schools, and other community-based entities confirm the importance and difficulty of improving training programs for personnel to serve children with disabilities or infants and toddlers with disabilities.

The national demand for fully credentialed special education, related services and early intervention personnel to serve children with disabilities also exceeds available supply. Thus, Federal support is required to improve both the quality and supply of personnel who serve children with disabilities.

Priority: The purpose of this priority is to increase the number and quality of personnel who are fully credentialed to serve children with disabilities especially in areas of chronic shortage, by supporting projects that prepare special education, early intervention, and related services personnel at the associate, baccalaureate, master's and specialist levels. In order to be eligible under this priority, programs must provide training and support for students to complete, within the term of the project, a degree, State certification, professional license, or State endorsement in early intervention, special education or related services. Programs preparing students to be special education paraprofessionals, related services assistants or educational interpreters are also eligible under this priority. The Secretary is particularly interested in programs that prepare special educators who provide instruction in core academic areas to children with disabilities to be highly qualified under section 602(10) of IDEA, in accordance with State requirements. The Secretary is also particularly interested in programs that provide enhanced support for beginning special educators (see section 662(b)(3) of IDEA).

Absolute Priority Requirements: To be considered for an award under this priority, applicants must—

(a) Demonstrate, in the narrative section of the application under "Quality of Project Services," how—

(1) Training requirements and required coursework for the proposed training program incorporate research-based practices that improve outcomes for children with disabilities (including relevant research citations);

(2) The program is designed to offer integrated training and practice opportunities that will enhance the skills of appropriate personnel who share responsibility for providing effective services to children with disabilities;

(3) The program prepares personnel to address the specialized needs of

children with disabilities from diverse cultural and language backgrounds, including limited English proficient children with disabilities, by—

(i) Identifying the skills that personnel need to work effectively with culturally and linguistically diverse populations; and

(ii) Preparing personnel to use those skills through early intervention, special education, and related services training programs;

(4) If preparing beginning special educators, the program is designed to provide extended clinical learning opportunities, field experiences, or supervised practica (such as an additional year) and ongoing high quality mentoring and induction opportunities;

(5) The program includes field-based training opportunities for scholars (as defined in section 304.3 of the regulations) in diverse settings including schools and settings in high-poverty communities, rural areas, and urban areas.

(6) Upon completion of the proposed training program, scholars will be highly qualified in accordance with section 601(10) of IDEA;

(7) The training program equips scholars with the knowledge and skills necessary to assist children effectively in achieving State learning standards; and

(8) The training program provides student support systems (including tutors, mentors, and other innovative practices) to enhance student retention and success in the program;

(b) Include in the narrative section of the application under "Quality of Project Evaluation," a clear, effective plan for evaluating the extent to which graduates of the training program have the knowledge and skills necessary to provide scientifically based or evidence-based instruction and services that result in improved outcomes for children with disabilities. Applicants also must clearly describe under "Quality of Project Evaluation" how the project will report student evaluation results to the Office of Special Education Programs (OSEP) in the grantee's annual performance reports and final performance report;

(c) Meet the following statutory requirements of IDEA:

(1) Demonstrate that the activities described in the application will address needs identified by the State or States the applicant proposes to serve, the impact of the proposed project in meeting the need for personnel identified by the State(s), and that the State or States intend to accept successful completion of the proposed

personnel preparation program as meeting State personnel standards or other requirements in State law or regulation for serving children with disabilities or serving infants and toddlers with disabilities (see sections 662(e)(2)(A), 662(e)(3), and 662(f)(1) and (2) of IDEA). Letters from one or more States that the project proposes to serve could be one method for addressing these requirements.

(2) Demonstrate that the applicant will cooperate with one or more State educational agencies—or, if appropriate, State appointed lead agencies responsible for providing early intervention services—or local educational agencies in carrying out and monitoring the proposed project (see section 662(e)(2)(B) of IDEA).

(3) Demonstrate how the project involves individuals with disabilities or parents of individuals with disabilities ages birth through 26 in planning, implementing, and evaluating the project (see section 682(a)(1)(A) of IDEA).

(4) Ensure that individuals who receive financial assistance under the project agree to meet the service obligation requirements, or repay all or part of the amount of the scholarship, in accordance with section 662(h)(1) of IDEA and 34 CFR part 304.

(d) Meet the following additional requirements:

(1) Assure that at least 60 percent of the total requested budget per year be used for student training stipends.

(2) Budget for a three-day Project Director's meeting in Washington, DC, during each year of the project.

(3) If the project maintains a Web site, include relevant information and documents in a form that meets a government or industry-recognized standard for accessibility.

(4) Include, in the application Appendix, all course syllabi for the proposed training program. Course syllabi must clearly reflect the incorporation of research-based curriculum and pedagogy as required under paragraph (a) of this priority.

(5) Agree to submit annual data on each scholar who receives grant support. The scholar data will be due within 60 days after the end of each grant budget year and will be submitted electronically. Applicants are encouraged to visit the Personnel Prep Data (PPD) Web site at <http://www.osepppd.org> for further information. This data collection is in addition to and does not supplant the annual grant performance report required of each grantee for continuation funding (34 CFR 75.590).

Focus Areas

Within this absolute priority, the Secretary intends to support projects under the following five focus areas: (a) Training Personnel to Serve Infants, Toddlers and Pre-school Age Children with Disabilities, (b) Training Personnel to Serve School Age Children with Low Incidence Disabilities, (c) Training Personnel to Serve School Age Children with High-Incidence Disabilities, (d) Training Personnel to Provide Related Services, Speech/Language Services, and Adapted Physical Education to Infants, Toddlers, Children and Youth with Disabilities, and (e) Training Personnel in Minority Institutions to Serve Infants, Toddlers, Children and Youth with Disabilities.

Note: Applicants *must* identify the specific focus area (*i.e.*, (a), (b), (c), (d), or (e)) under which they are applying as part of the competition title on the application cover sheet (ED form 424, line 4). Applicants may not submit the same proposal under more than one focus area.

Focus Area a: Training Personnel to Serve Infants, Toddlers and Pre-school Age Children with Disabilities. For the purpose of this focus area, early intervention personnel are those who are trained to provide services to infants and toddlers with disabilities age birth through two, and early childhood personnel are those who are trained to provide services to children with disabilities ages three through five. In States where certification in early intervention (EI) is combined with certification in early childhood (EC), applicants may propose a combined EI/EC training project under this focus area. Projects training related services, speech/language, or adapted physical education personnel are not eligible under this focus area (see Focus Area d).

Focus Area b: Training Personnel to Serve School Age Children with Low Incidence Disabilities. For the purpose of this focus area, low-incidence personnel are special education personnel, including paraprofessionals, trained to serve school-age children with low-incidence disabilities including visual impairments, hearing impairments, simultaneous vision and hearing impairments, significant cognitive impairments (severe mental retardation), orthopedic impairments, autism, and traumatic brain injury. Programs preparing special education personnel to provide services to visually impaired or blind children that can be appropriately provided in Braille must prepare those individuals to provide those services in Braille. Projects training educational interpreters are eligible under this focus area. Projects

training other related services, speech/language or adapted physical education personnel are not eligible under this focus area (see Focus Area d). Projects training special education pre-school personnel are eligible under Focus Area a.

Focus Area c: Training Personnel to Serve School Age Children with High-Incidence Disabilities. For the purpose of this focus area, high-incidence personnel are special education personnel, including paraprofessionals, trained to serve school-age children with mild or moderate mental retardation, emotional disturbance, specific learning disability, other health impairment (including children with Attention Deficit Hyperactive Disorder) or children ages five through nine with developmental delay. Projects training related services, speech/language or adapted physical education personnel are not eligible under this focus area (see Focus Area d). Projects training special education pre-school personnel are eligible under Focus Area a.

Focus Area d: Training Personnel to Provide Related Services, Speech/Language Services, and Adapted Physical Education to Infants, Toddlers, Children and Youth with Disabilities. Programs training related services, speech/language or adapted physical education personnel to serve infants, toddlers, children and youth with high- or low-incidence disabilities are eligible within this focus area. For the purpose of this focus area, related services include, but are not limited to, psychological services, physical therapy, occupational therapy, therapeutic recreation, social work services, counseling services, audiology services (including personnel trained at the Doctor of Audiology level), and speech/language services. Training programs in States where personnel trained to serve children with speech/language impairments are considered to be special educators are eligible under this focus area. Training programs preparing related services assistants are also eligible under this focus area. Projects training educational interpreters are not eligible under this focus area, but should apply under Focus Area b.

Focus Area e: Training Personnel in Minority Institutions to Serve Infants,

Toddlers, Children and Youth with Disabilities. Programs in minority institutions that are training special education personnel, including adapted physical education and related services personnel, to serve infants, toddlers, children and youth with high or low-incidence disabilities are eligible within this focus area. Minority institutions include institutions with a minority student enrollment of 25 percent or more, which may include Historically Black Colleges and Universities, Tribal Colleges, and Predominantly Hispanic Serving Colleges and Universities. Within this focus area, institutions that are recommended for funding in FY 2006 and that have not received support under the IDEA Personnel Preparation Program in FY 2005 will receive 10 competitive preference points.

Under Focus Area e, a project may budget for less than the required percentage (60 percent) for student training support if the applicant can provide sufficient justification for any designation less than 60 percent for student scholarships. Sufficient justification for proposing less than 60 percent of the budget for student support would include support for activities such as program development, program expansion, or the addition of a new area of emphasis. Some examples include the following:

- A project that is starting a new program may request up to a year for program development and capacity building. In the initial project year, no student support would be required. Instead, a project could hire a new faculty member or a consultant to assist in program development.
- A project that is proposing to build capacity may hire a field supervisor so that additional students can be trained.
- A project that is expanding or adding a new emphasis area to the program may hire additional faculty or other resources such as expert consultants, additional training supplies, or equipment that would enhance the program.

Projects that are funded to develop, expand, or to add a new area of emphasis to special education or related services programs must provide information on how these new areas will be maintained once Federal funding ends.

Competitive Preference Priority: For FY 2006, this priority is a competitive preference priority. Under 34 CFR 75.105(c)(2)(i) we award up to an additional five points to an application depending on how well the application meets this priority.

This competitive preference priority is:

Competitive Preference Priority: We give competitive preference to institutions of higher education based on the extent to which they successfully recruit individuals with disabilities and individuals from groups that are underrepresented in the profession for which they are preparing individuals. In the case of a new project, the applicant must submit a plan with strategies on how it will meet this competitive preference priority.

Note: The statute does not authorize the selection of trainees on the basis of race, ethnicity, gender, or disability status.

Waiver of Proposed Rulemaking: Under the Administrative Procedure Act (APA) (5 U.S.C. 553) the Department generally offers interested parties the opportunity to comment on proposed priorities and requirements. Section 681(d) of the IDEA makes the public comment requirements of the APA inapplicable to the priority in this notice.

Program Authority: 20 U.S.C. 1462 and 1481.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 84, 85, 86, 97, 98, 99. (b) The regulations for this program in 34 CFR part 304.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: \$13,750,000. For funding information regarding each of the specific focus areas of the priority, see the chart in this section of this notice.

Estimated Range of Awards: See chart.

Estimated Average Size of Awards: See chart.

Maximum Awards: See chart.

Estimated Number of Awards: See chart.

Project Period: Up to 48 months.

**PERSONNEL DEVELOPMENT TO IMPROVE SERVICES AND RESULTS FOR CHILDREN WITH DISABILITIES APPLICATION NOTICE
FOR FISCAL YEAR 2006**

CFDA No. and name	Estimated range of awards	Estimated average size of awards	Maximum award (per year)*	Estimated number of awards
84.325K Combined Priority for Personnel Preparation: Focus Area a: Training Personnel to Serve Infants, Toddlers and Pre-school Age Children with Disabilities	\$150,000–\$200,000	\$175,000	\$200,000	11
Focus Area b: Training Personnel to Serve School Age Children with Low Incidence Disabilities	\$150,000–\$200,000	\$175,000	\$200,000	21
Focus Area c: Training Personnel to Serve School Age Children with High-Incidence Disabilities	\$150,000–\$200,000	\$175,000	\$200,000	14
Focus Area d: Training Personnel to Provide Related Services, Speech/Language Services, and Adapted Physical Education to Infants, Toddlers, Children and Youth with Disabilities	\$150,000–\$200,000	\$175,000	\$200,000	12
Focus Area e: Training Personnel in Minority Institutions to Serve Infants, Toddlers, Children and Youth with Disabilities	\$150,000–\$200,000	\$175,000	\$200,000	12

* We will reject any application that proposes a budget exceeding the maximum award specified for a single budget period of 12 months. The Assistant Secretary for Special Education and Rehabilitative Services may change the maximum amount through a notice published in the **Federal Register**.

Note: The Department is not bound by any estimates in this notice.

III. Eligibility Information

1. *Eligible Applicants:* IHEs.
2. *Cost Sharing or Matching:* This competition does not involve cost sharing or matching.

IV. Application and Submission Information

1. *Address to Request Application Package:* Education Publications Center (ED Pubs), P.O. Box 1398, Jessup, MD 20794–1398. Telephone (toll free): 1–877–433–7827. FAX: (301) 470–1244. If you use a telecommunications device for the deaf (TDD), you may call (toll free): 1–877–576–7734.

You may also contact ED Pubs at its Web site: <http://www.ed.gov/pubs/edpubs.html> or you may contact ED Pubs at its e-mail address: edpubs@inet.ed.gov.

If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA Number 84.325K.

Individuals with disabilities may obtain a copy of the application package in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) by contacting the Grants and Contracts Services Team listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition. Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your

application. You must limit Part III to the equivalent of no more than 50 pages, using the following standards:

- A “page” is 8.5” x 11”, on one side only, with 1” margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.

- Use a font that is either 12-point or larger or no smaller than 10 pitch (characters per inch).

The page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, the references, or the letters of support. However, you must include all of the application narrative in Part III.

We will reject your application if—

- You apply these standards and exceed the page limit; or
- You apply other standards and exceed the equivalent of the page limit.

3. *Submission Dates and Times:*

Applications Available: June 5, 2006.

Deadline for Transmittal of Applications: July 5, 2006.

Applications for grants under this competition may be submitted electronically using the Grants.gov Apply site (Grants.gov), or in paper format by mail or hand delivery. For information (including dates and times) about how to submit your application electronically, or by mail or hand delivery, please refer to section IV. 6. *Other Submission Requirements* in this notice.

We do not consider an application that does not comply with the deadline requirements. Deadline for Intergovernmental Review: September 5, 2006.

4. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Other Submission Requirements:* Applications for grants under this competition may be submitted electronically or in paper format by mail or hand delivery.

a. *Electronic Submission of Applications*

We have been accepting applications electronically through the Department’s e-Application system since FY 2000. In order to expand on those efforts and comply with the President’s Management Agenda, we are continuing to participate as a partner in the new government wide Grants.gov Apply site in FY 2006. The Combined Priority for Personnel Preparation-CFDA Number 84.325K competition is one of the competitions included in this project. We request your participation in Grants.gov.

If you choose to submit your application electronically, you must use the Grants.gov Apply site at <http://www.Grants.gov>. Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your

application. You may not e-mail an electronic copy of a grant application to us.

You may access the electronic grant application for the Combined Priority for Personnel Preparation-CFDA Number 84.325K competition at: <http://www.grants.gov>. You must search for the downloadable application package for this program by the CFDA number. Do not include the CFDA number's alpha suffix in your search.

Please note the following:

- Your participation in Grants.gov is voluntary.
- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are time and date stamped. Your application must be fully uploaded and submitted, and must be date/time stamped by the Grants.gov system no later than 4:30 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not consider your application if it is date/time stamped by the Grants.gov system later than 4:30 p.m., Washington, DC time, on the application deadline date. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date/time stamped by the Grants.gov system after 4:30 p.m., Washington, DC time, on the application deadline date.

- The amount of time it can take to upload an application will vary depending on a variety of factors including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the application process through Grants.gov.

- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov at <http://e-Grants.ed.gov/help/GrantsgovSubmissionProcedures.pdf>.

- To submit your application via Grants.gov, you must complete all of the steps in the Grants.gov registration process (see <http://www.Grants.gov/GetStarted>). These steps include (1) registering your organization, (2) registering yourself as an Authorized Organization Representative (AOR), and

(3) getting authorized as an AOR by your organization. Details on these steps are outlined in the Grants.gov 3-Step Registration Guide (see <http://www.grants.gov/assets/GrantsgovCoBrandBrochure8X11.pdf>). You also must provide on your application the same D-U-N-S Number used with this registration. Please note that the registration process may take five or more business days to complete, and you must have completed all registration steps to allow you to successfully submit an application via Grants.gov.

- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you submit your application in paper format.

- You may submit all documents electronically, including all information typically included on the Application for Federal Education Assistance (ED 424), Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications. If you choose to submit your application electronically, you must attach any narrative sections of your application as files in a .DOC (document), .RTF (rich text) or .PDF (Portable Document) format. If you upload a file type other than the three file types specified above or submit a password protected file, we will not review that material.

- Your electronic application must comply with any page limit requirements described in this notice.

- After you electronically submit your application, you will receive an automatic acknowledgment from Grants.gov that contains a Grants.gov tracking number. The Department will retrieve your application from Grants.gov and send you a second confirmation by e-mail that will include a PR/Award number (an ED-specified identifying number unique to your application).

- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of System Unavailability

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically, or by hand delivery. You also may mail your application by following the mailing instructions as described elsewhere in this notice. If you submit an application

after 4:30 p.m., Washington, DC time, on the deadline date, please contact the person listed elsewhere in this notice under **FOR FURTHER INFORMATION CONTACT**, and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number (if available). We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: Extensions referred to in this section apply only to the unavailability of or technical problems with the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

b. Submission of Paper Applications by Mail

If you submit your application in paper format by mail (through the U.S. Postal Service or a commercial carrier), you must mail the original and two copies of your application, on or before the application deadline date, to the Department at the applicable following address:

By mail through the U.S. Postal Service: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.325K), 400 Maryland Avenue, SW., Washington, DC 20202-4260, or

By mail through a commercial carrier: U.S. Department of Education, Application Control Center—Stop 4260, Attention: (CFDA Number 84.325K), 7100 Old Landover Road, Landover, MD 20785-1506.

Regardless of which address you use, you must show proof of mailing consisting of one of the following:

- (1) A legibly dated U.S. Postal Service postmark,
- (2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service,
- (3) A dated shipping label, invoice, or receipt from a commercial carrier, or
- (4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

- (1) A private metered postmark, or

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. Submission of Paper Applications by Hand Delivery

If you submit your application in paper format by hand delivery, you (or a courier service) must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.325K), 550 12th Street, SW., Room 7041, Potomac Center Plaza, Washington, DC 20202-4260.

The Application Control Center accepts hand deliveries daily between 8 a.m. and 4:30 p.m., Washington, DC time, except Saturdays, Sundays and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department:

(1) You must indicate on the envelope and—if not provided by the Department—in Item 4 of ED 424 the CFDA number—and suffix letter, if any—of the competition under which you are submitting your application.

(2) The Application Control Center will mail a grant application receipt acknowledgment to you. If you do not receive the grant application receipt acknowledgment within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245-6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 75.210 of EDGAR and are listed in the application package.

2. *Treating A Priority As Two Separate Competitions:* In the past, there have been problems in finding peer reviewers without conflicts of interest for competitions in which many entities throughout the country submit applications. The Standing Panel requirements under IDEA also have placed additional constraints on the availability of reviewers. Therefore, the Department has determined that, for some discretionary priorities, applications may be separated into two or more groups and ranked and selected for funding within the specific group. This procedure will ensure the availability of a much larger group of

reviewers without conflicts of interest. It also will increase the quality, independence and fairness of the review process and permit panel members to review applications under discretionary priorities for which they have also submitted applications. However, if the Department decides to select for funding an equal number of applications in each group, this may result in different cut-off points for fundable applications in each group.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN). We may also notify you informally.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as specified by the Secretary in 34 CFR 75.118. In addition, to satisfy the requirements of the absolute priority in this notice, you must submit annual data on each scholar who receives grant support through your project.

4. *Performance Measures:* Under the Government Performance and Results Act of 1993 (GPRA), the Department has established a set of performance measures that are designed to yield information on the effectiveness of the Personnel Preparation program. These measures include: (1) The percentage of projects that incorporate scientifically- or evidence-based practices, (2) the percentage of scholars who exit training programs prior to completion due to poor academic performance, (3) the percentage of degree or certification recipients employed upon program completion who are working in the area(s) for which they were trained, and

(4) the percentage of degree or certification recipients employed upon program completion who are working in the area(s) for which they were trained and are fully qualified under IDEA, and (5) the percentage of degree/certification recipients who maintain employment in the area(s) for which they are trained for three or more years and are fully qualified under IDEA.

If funded, applicants will be required to collect and report data on grant-supported students through the PPD Web site at <http://www.oespppd.org> (see paragraph (d)(5) under the absolute priority section of this notice).

The Department has also developed long-term measures that are designed to yield information on various aspects of program quality. These measures include: (1) The percentage of scholars completing IDEA-funded training programs that are knowledgeable and skilled in scientifically- or evidence-based practices for infants, toddlers, children and youth with disabilities; and (2) the percentage of low incidence positions that are filled by personnel who are fully qualified under IDEA. Grantees may be asked to participate in assessing and providing information on these long-term aspects of program quality.

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT:

Vicki Mims, U.S. Department of Education, 400 Maryland Avenue, SW., room 4062, Potomac Center Plaza, Washington, DC 20202-2600. Telephone: (202) 245-7451.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1-800-877-8339.

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VIII. Other Information

Electronic Access to This Document: You may view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: <http://www.ed.gov/news/fedregister>.

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about

using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1-888-293-6498; or in the Washington, DC, area at (202) 512-1530.

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Dated: May 30, 2006.

John H. Hager,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 06-5109 Filed 6-2-06; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services; Overview Information; Personnel Development to Improve Services and Results for Children with Disabilities—Interdisciplinary Training in Analysis of Large-Scale Databases; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2006

Catalog of Federal Domestic Assistance (CFDA) Number: 84.325L.

DATES: Applications Available: June 5, 2006.

Deadline for Transmittal of Applications: July 5, 2006.

Deadline for Intergovernmental Review: September 5, 2006.

Eligible Applicants: Institutions of higher education (IHEs).

Estimated Available Funds: \$500,000.

Maximum Award: We will reject any application that proposes a budget exceeding \$500,000 for a single budget period of 12 months. The Assistant Secretary for Special Education and Rehabilitative Services may change the maximum amount through a notice published in the **Federal Register**.

Number of Awards: 1.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purposes of this program are to (1) help address State-identified needs for highly qualified personnel—in special education, related services, early intervention, and regular education—to work with infants or toddlers with disabilities, or children with disabilities; and (2) ensure that those personnel have the skills and

knowledge that are required by law and that are needed to serve those children.

Priority: In accordance with 34 CFR 75.105(b)(2)(iv), this priority is from allowable activities specified in the statute (see sections 662(d) and 681(d) of the Individuals with Disabilities Education Act (IDEA)).

Absolute Priority: For FY 2006 this priority is an absolute priority. Under 34 CFR 75.105(c)(3), we consider only applications that meet this priority.

This priority is: *Interdisciplinary Training in Analysis of Large-Scale Databases.*

Background: Under Part D of IDEA, the Secretary may make competitive grants to or enter into contracts or cooperative agreements with eligible entities for personnel development to improve services and results for children with disabilities. The purpose of this program is to establish and operate a project to train doctoral students in employing large-scale, nationally representative data sets to conduct research in special education policy.

Absolute Priority: The Assistant Secretary announces an absolute priority for the purpose of providing Federal financial assistance to support an entity to establish and operate a program to train doctoral students in employing large-scale, nationally representative data sets to conduct research in special education policy. The program must provide for training in research methods, design principles, and special education policy.

Projects funded under this absolute priority must:

(a) Recruit, select, and retain doctoral students with diverse academic backgrounds and experience.

(b) Ensure that efforts are made to involve and employ individuals with disabilities, or parents of individuals with disabilities, in the project.

(c) Provide comprehensive doctoral level coursework relating to large-scale research such as group research design, sampling or weighting, survey methods, multivariate statistical analyses, and in topical areas such as special education law, special education and/or education policy, including the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001.

(d) With the cooperation of collaborating entities, such as government agencies and non-governmental organizations, provide research apprenticeships and fellowships for doctoral student fellows. The grantee must: (1) Ensure that recipients of the fellowship have the opportunity to carry out their own

research activities; (2) secure the participation of collaborating entities in providing doctoral training; and (3) identify and assign internship sites for doctoral students.

(e) Provide program recipients with individualized coursework planning, mentoring, and career planning in the field of special education.

(f) Monitor and evaluate recipients' progress and competencies; and communicate the results of the evaluations to OSEP in annual performance reports.

(g) Participate in regularly scheduled meetings with the Department/Office of Special Education Programs (OSEP) to review and define goals, objectives, and implementation of activities under this project.

(h) Provide continuing telephone and FAX communication with the Department/OSEP and other funded projects as requested by the Department/OSEP to ensure the coordination of activities under this and other related awards.

(i) Budget for one three-day Project Directors' meeting in Washington, DC during each year of the project and two one-day meetings in Washington, DC each year to meet with the OSEP Project Officer.

(j) If a Web site is maintained, information and documents on the site must be in a format that meets a government or industry-recognized standard for accessibility.

Waiver of Proposed Rulemaking: Under the Administrative Procedure Act (APA) (5 U.S.C. 553), the Department generally offers interested parties the opportunity to comment on a proposed priority. However, section 681(d) of IDEA makes the public comment requirements under the APA inapplicable to the priority in this notice.

Program Authority: 20 U.S.C. 1462 and 1481(d).

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 84, 85, 86, 97, 98, 99, and 34 CFR part 304.

II. Award Information

Type of Award: Cooperative agreement.

Estimated Available Funds: \$500,000.

Maximum Award: We will reject any application that proposes a budget exceeding \$500,000 for a single budget period of 12 months. The Assistant Secretary for Special Education and Rehabilitative Services may change the maximum amount through a notice published in the **Federal Register**.

Number of Awards: 1.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

III. Eligibility Information

1. *Eligible Applicants:* IHEs.

2. *Cost Sharing or Matching:* This competition does not involve cost sharing or matching.

3. *Other: General Requirements—(a)* The projects funded under this competition must make positive efforts to employ and advance in employment qualified individuals with disabilities (see section 606 of IDEA).

(b) Applicants and grant recipients funded under this notice must involve individuals with disabilities or parents of individuals with disabilities ages birth through 26 in planning, implementing, and evaluating the projects (see section 682(a)(1)(A) of IDEA).

IV. Application and Submission Information

1. *Address to Request Application Package:* Education Publications Center (ED Pubs), P.O. Box 1398, Jessup, MD 20794-1398. Telephone (toll free): 1-877-433-7827. FAX: (301) 470-1244. If you use a telecommunications device for the deaf (TDD), you may call (toll free): 1-877-576-7734.

You may also contact ED Pubs at its Web site: <http://www.ed.gov/pubs/edpubs.html> or you may contact ED Pubs at its e-mail address: edpubs@inet.ed.gov.

If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA Number 84.325L.

Individuals with disabilities may obtain a copy of the application package in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) by contacting the Grants and Contracts Services Team listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition. **Page Limit:** The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit Part III to the equivalent of no more than 70 pages, using the following standards:

- A "page" is 8.5" x 11", on one side only, with 1" margins at the top, bottom, and both sides.

- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.

- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).

The page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; the one-page abstract, the resumes, the bibliography, the references, or the letters of support. However, you must include all of the application narrative in Part III.

We will reject your application if—

- You apply these standards and exceed the page limit; or
- You apply other standards and exceed the equivalent of the page limit.

3. *Submission Dates and Times:*

Applications Available: June 5, 2006. Deadline for Transmittal of Applications: July 5, 2006.

Applications for grants under this competition may be submitted electronically using the Grants.gov Apply site (Grants.gov), or in paper format by mail or hand delivery. For information (including dates and times) about how to submit your application electronically, or by mail or hand delivery, please refer to section IV. 6. *Other Submission Requirements* in this notice.

We do not consider an application that does not comply with the deadline requirements. Deadline for Intergovernmental Review: September 5, 2006.

4. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Other Submission Requirements:* Applications for grants under this competition may be submitted electronically or in paper format by mail or hand delivery.

a. Electronic Submission of Applications

We have been accepting applications electronically through the Department's e-Application system since FY 2000. In order to expand on those efforts and comply with the President's

Management Agenda, we are continuing to participate as a partner in the new government wide Grants.gov Apply site in FY 2006. The Interdisciplinary Training in Analysis of Large-Scale Databases-CFDA Number 84.325L is one of the competitions included in this project. We request your participation in Grants.gov.

If you choose to submit your application electronically, you must use the Grants.gov Apply site at <http://www.Grants.gov>. Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not e-mail an electronic copy of a grant application to us.

You may access the electronic grant application for The Interdisciplinary Training in Analysis of Large-Scale Databases at: <http://www.grants.gov> You must search for the downloadable application package for this program by the CFDA number. Do not include the CFDA number's alpha suffix in your search. Please note the following:

- Your participation in Grants.gov is voluntary.
- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.

- Applications received by Grants.gov are time and date stamped. Your application must be fully uploaded and submitted, and must be date/time stamped by the Grants.gov system no later than 4:30 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not consider your application if it is date/time stamped by the Grants.gov system later than 4:30 p.m., Washington, DC time, on the application deadline date. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date/time stamped by the Grants.gov system after 4:30 p.m., Washington, DC time, on the application deadline date.

- The amount of time it can take to upload an application will vary depending on a variety of factors including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the application process through Grants.gov.

- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition

to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov at <http://e-Grants.ed.gov/help/GrantsgovSubmissionProcedures.pdf>.

- To submit your application via Grants.gov, you must complete all of the steps in the Grants.gov registration process (see <http://www.Grants.gov/GetStarted>). These steps include (1) registering your organization, (2) registering yourself as an Authorized Organization Representative (AOR), and (3) getting authorized as an AOR by your organization. Details on these steps are outlined in the Grants.gov 3-Step Registration Guide (see <http://www.grants.gov/assets/GrantsgovCoBrandBrochure8X11.pdf>). You also must provide on your application the same D-U-N-S Number used with this registration. Please note that the registration process may take five or more business days to complete, and you must have completed all registration steps to allow you to successfully submit an application via Grants.gov.

- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you submit your application in paper format.

- You may submit all documents electronically, including all information typically included on the Application for Federal Education Assistance (ED 424), Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications. If you choose to submit your application electronically, you must attach any narrative sections of your application as files in a .DOC (document), .RTF (rich text), or .PDF (Portable Document) format. If you upload a file type other than the three file types specified above or submit a password protected file, we will not review that material.

- Your electronic application must comply with any page limit requirements described in this notice.

- After you electronically submit your application, you will receive an automatic acknowledgment from Grants.gov that contains a Grants.gov tracking number. The Department will retrieve your application from Grants.gov and send you a second confirmation by e-mail that will include a PR/Award number (an ED-specified identifying number unique to your application).

- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of System Unavailability

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically, or by hand delivery. You also may mail your application by following the mailing instructions as described elsewhere in this notice. If you submit an application after 4:30 p.m., Washington, DC time, on the deadline date, please contact the person listed elsewhere in this notice under **FOR FURTHER INFORMATION CONTACT**, and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number (if available). We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: Extensions referred to in this section apply only to the unavailability of or technical problems with the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

b. Submission of Paper Applications by Mail

If you submit your application in paper format by mail (through the U.S. Postal Service or a commercial carrier), you must mail the original and two copies of your application, on or before the application deadline date, to the Department at the applicable following address:

By mail through the U.S. Postal Service: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.325L), 400 Maryland Avenue, SW., Washington, DC 20202-4260, or

By mail through a commercial carrier: U.S. Department of Education, Application Control Center—Stop 4260, Attention: (CFDA Number 84.325L), 7100 Old Landover Road, Landover, MD 20785-1506.

Regardless of which address you use, you must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark,

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service,

(3) A dated shipping label, invoice, or receipt from a commercial carrier, or

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark, or

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. Submission of Paper Applications by Hand Delivery

If you submit your application in paper format by hand delivery, you (or a courier service) must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.325L), 550 12th Street, SW., Room 7041, Potomac Center Plaza, Washington, DC 20202-4260.

The Application Control Center accepts hand deliveries daily between 8 a.m. and 4:30 p.m., Washington, DC time, except Saturdays, Sundays and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department:

(1) You must indicate on the envelope and—if not provided by the Department—in Item 4 of ED 424 the CFDA number—and suffix letter, if any—of the competition under which you are submitting your application.

(2) The Application Control Center will mail a grant application receipt acknowledgment to you. If you do not receive the grant application receipt acknowledgment within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245-6288.

V. Application Review Information

Selection Criteria: The selection criteria for this competition are from 34 CFR 75.210 and are listed in the application package.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN). We may also notify you informally.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as specified by the Secretary in 34 CFR 75.118.

4. *Performance Measures:* Under the Government Performance and Results Act of 1993 (GPRA), the Department has established a set of performance measures that are designed to yield information on the effectiveness of the Personnel Preparation program. These measures include: (1) The percentage of projects that incorporate scientifically- or evidence-based practices, (2) the percentage of scholars who exit training programs prior to completion due to

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If funded, applicants will be required to collect and report data on grant-supported students through the PPD Web site at <http://www.oespppd.org> (see paragraph (d)(5) under the absolute priority section of this notice).

The Department has also developed long-term measures that are designed to yield information on various aspects of program quality. These measures include: (1) The percentage of scholars completing IDEA-funded training programs that are knowledgeable and skilled in scientifically- or evidence-based practices for infants, toddlers, children and youth with disabilities; and (2) the percentage of low incidence positions that are filled by personnel who are fully qualified under IDEA. Grantees may be asked to participate in assessing and providing information on such long-term aspects of program quality.

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT:

Scott Brown, U.S. Department of Education, 400 Maryland Avenue, SW., room 4076, Potomac Center Plaza, Washington, DC 20202-2550. Telephone: (202) 245-7282.

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VIII. Other Information

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Dated: May 30, 2006.

John H. Hager,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 06-5108 Filed 6-2-06; 8:45 am]

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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "PLUS" (Public Laws Update Service) on 202-741-6043. This list is also available online at <http://www.archives.gov/federal-register/laws.html>.

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32 Parts:				18, Vol. III, Parts 20-52		13.00	³ July 1, 1984
1-39, Vol. I		15.00	² July 1, 1984	19-100		13.00	³ July 1, 1984
1-39, Vol. II		19.00	² July 1, 1984	1-100	(869-056-00169-0)	24.00	July 1, 2005
1-39, Vol. III		18.00	² July 1, 1984	101	(869-056-00170-3)	21.00	July 1, 2005
1-190	(869-056-00119-3)	61.00	July 1, 2005	102-200	(869-056-00171-1)	56.00	July 1, 2005
191-399	(869-056-00120-7)	63.00	July 1, 2005	201-End	(869-056-00172-0)	24.00	July 1, 2005
400-629	(869-056-00121-5)	50.00	July 1, 2005	42 Parts:			
630-699	(869-056-00122-3)	37.00	July 1, 2005	1-399	(869-056-00173-8)	61.00	Oct. 1, 2005
700-799	(869-056-00123-1)	46.00	July 1, 2005	400-429	(869-056-00174-6)	63.00	Oct. 1, 2005
800-End	(869-056-00124-0)	47.00	July 1, 2005	430-End	(869-056-00175-4)	64.00	Oct. 1, 2005
33 Parts:				43 Parts:			
1-124	(869-056-00125-8)	57.00	July 1, 2005	1-999	(869-056-00176-2)	56.00	Oct. 1, 2005
125-199	(869-056-00126-6)	61.00	July 1, 2005	1000-end	(869-056-00177-1)	62.00	Oct. 1, 2005
200-End	(869-056-00127-4)	57.00	July 1, 2005	44	(869-056-00178-9)	50.00	Oct. 1, 2005
34 Parts:				45 Parts:			
1-299	(869-056-00128-2)	50.00	July 1, 2005	1-199	(869-056-00179-7)	60.00	Oct. 1, 2005
300-399	(869-056-00129-1)	40.00	⁷ July 1, 2005	200-499	(869-056-00180-1)	34.00	Oct. 1, 2005
400-End & 35	(869-056-00130-4)	61.00	July 1, 2005	500-1199	(869-056-00171-9)	56.00	Oct. 1, 2005
36 Parts:				1200-End	(869-056-00182-7)	61.00	Oct. 1, 2005
1-199	(869-056-00131-2)	37.00	July 1, 2005	46 Parts:			
200-299	(869-056-00132-1)	37.00	July 1, 2005	1-40	(869-056-00183-5)	46.00	Oct. 1, 2005
300-End	(869-056-00133-9)	61.00	July 1, 2005	41-69	(869-056-00184-3)	39.00	⁹ Oct. 1, 2005
37	(869-056-00134-7)	58.00	July 1, 2005	70-89	(869-056-00185-1)	14.00	⁹ Oct. 1, 2005
38 Parts:				90-139	(869-056-00186-0)	44.00	Oct. 1, 2005
0-17	(869-056-00135-5)	60.00	July 1, 2005	140-155	(869-056-00187-8)	25.00	Oct. 1, 2005
18-End	(869-056-00136-3)	62.00	July 1, 2005	156-165	(869-056-00188-6)	34.00	⁹ Oct. 1, 2005
39	(869-056-00139-1)	42.00	July 1, 2005	166-199	(869-056-00189-4)	46.00	Oct. 1, 2005
40 Parts:				200-499	(869-056-00190-8)	40.00	Oct. 1, 2005
1-49	(869-056-00138-0)	60.00	July 1, 2005	500-End	(869-056-00191-6)	25.00	Oct. 1, 2005
50-51	(869-056-00139-8)	45.00	July 1, 2005	47 Parts:			
52 (52.01-52.1018)	(869-056-00140-1)	60.00	July 1, 2005	0-19	(869-056-00192-4)	61.00	Oct. 1, 2005
52 (52.1019-End)	(869-056-00141-0)	61.00	July 1, 2005	20-39	(869-056-00193-2)	46.00	Oct. 1, 2005
53-59	(869-056-00142-8)	31.00	July 1, 2005	40-69	(869-056-00194-1)	40.00	Oct. 1, 2005
60 (60.1-End)	(869-056-00143-6)	58.00	July 1, 2005	70-79	(869-056-00195-9)	61.00	Oct. 1, 2005
60 (Apps)	(869-056-00144-4)	57.00	July 1, 2005	80-End	(869-056-00196-7)	61.00	Oct. 1, 2005
61-62	(869-056-00145-2)	45.00	July 1, 2005	48 Chapters:			
63 (63.1-63.599)	(869-056-00146-1)	58.00	July 1, 2005	1 (Parts 1-51)	(869-056-00197-5)	63.00	Oct. 1, 2005
63 (63.600-63.1199)	(869-056-00147-9)	50.00	July 1, 2005	1 (Parts 52-99)	(869-056-00198-3)	49.00	Oct. 1, 2005
63 (63.1200-63.1439)	(869-056-00148-7)	50.00	July 1, 2005	2 (Parts 201-299)	(869-056-00199-1)	50.00	Oct. 1, 2005
63 (63.1440-63.6175)	(869-056-00149-5)	32.00	July 1, 2005	3-6	(869-056-00200-9)	34.00	Oct. 1, 2005
				7-14	(869-056-00201-7)	56.00	Oct. 1, 2005
				15-28	(869-056-00202-5)	47.00	Oct. 1, 2005

Title	Stock Number	Price	Revision Date
29-End	(869-056-00203-3)	47.00	Oct. 1, 2005
49 Parts:			
1-99	(869-056-00204-1)	60.00	Oct. 1, 2005
100-185	(869-056-00205-0)	63.00	Oct. 1, 2005
186-199	(869-056-00206-8)	23.00	Oct. 1, 2005
200-299	(869-056-00207-6)	32.00	Oct. 1, 2005
300-399	(869-056-00208-4)	32.00	Oct. 1, 2005
400-599	(869-056-00209-2)	64.00	Oct. 1, 2005
600-999	(869-056-00210-6)	19.00	Oct. 1, 2005
1000-1199	(869-056-00211-4)	28.00	Oct. 1, 2005
1200-End	(869-056-00212-2)	34.00	Oct. 1, 2005
50 Parts:			
1-16	(869-056-00213-1)	11.00	Oct. 1, 2005
17.1-17.95(b)	(869-056-00214-9)	32.00	Oct. 1, 2005
17.95(c)-end	(869-056-00215-7)	32.00	Oct. 1, 2005
17.96-17.99(h)	(869-056-00215-7)	61.00	Oct. 1, 2005
17.99(i)-end and 17.100-end	(869-056-00217-3)	47.00	Oct. 1, 2005
18-199	(869-056-00218-1)	50.00	Oct. 1, 2005
200-599	(869-056-00218-1)	45.00	Oct. 1, 2005
600-End	(869-056-00219-0)	62.00	Oct. 1, 2005
CFR Index and Findings			
Aids	(869-060-00050-0)	62.00	Jan. 1, 2006
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¹ Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

² The July 1, 1985 edition of 32 CFR Parts 1-189 contains a note only for Parts 1-39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1-39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

³ The July 1, 1985 edition of 41 CFR Chapters 1-100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

⁴ No amendments to this volume were promulgated during the period January 1, 2005, through January 1, 2006. The CFR volume issued as of January 1, 2005 should be retained.

⁵ No amendments to this volume were promulgated during the period April 1, 2000, through April 1, 2006. The CFR volume issued as of April 1, 2000 should be retained.

⁶ No amendments to this volume were promulgated during the period April 1, 2005, through April 1, 2006. The CFR volume issued as of April 1, 2004 should be retained.

⁷ No amendments to this volume were promulgated during the period July 1, 2004, through July 1, 2005. The CFR volume issued as of July 1, 2004 should be retained.

⁸ No amendments to this volume were promulgated during the period July 1, 2004, through July 1, 2005. The CFR volume issued as of July 1, 2003 should be retained.

⁹ No amendments to this volume were promulgated during the period October 1, 2004, through October 1, 2005. The CFR volume issued as of October 1, 2004 should be retained.

¹⁰ No amendments to this volume were promulgated during the period April 1, 2005, through April 1, 2006. The CFR volume issued as of April 1, 2005 should be retained.